

07.12.2023

Item No.26
Ct.No.34
dc.

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION**

C.R.R. 1516 of 2023

In the matter of : **Subhash Chandra Gayen** ... Petitioner.

Mr. Ranjit Kumar Roy,
Mr. Krishna Deo Das ... For the Petitioner.

Mr. Arani Bhattacharyya ... For the State.

Learned advocate appearing for the petitioner is directed to serve a copy of this revisional application upon Mr. Arani Bhattacharyya, learned advocate, who ordinarily appears for the State. His appointment may be regularised by the concerned authorities.

The main grievance of the petitioner is that there is a difference of date in the police station case and that in the charge-sheet so submitted. The issue was considered by the learned Magistrate in the background of the application under Section 239 of the Code of Criminal Procedure filed by the petitioner. The opinion of the learned Judicial Magistrate, 8th Court, Alipore in connection with TR-394/11 is that the same is not a serious irregularity and at the stage of consideration of charge that would not prejudice any way the accused persons. Having regard to the findings of the learned Judicial Magistrate/trial court, I am of the view that there is no illegality in the order so passed. As such, the same do not call for any interference.

The petitioner would be at liberty to take contradiction at the time of cross-examination from the relevant witnesses concerned.

With the aforesaid observations, the revisional application being CRR 1516 of 2023 is disposed of.

Pending connected application, if any, is consequently disposed of.

All concerned parties shall act on the server copy of this order duly downloaded from the official *website* of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Tirthankar Ghosh, J.)