

25.09.2023

CRR 1834 of 2011

Court : 33
Item : 29
Matter : CRR
Status : DISMISSED
Bench Id : 266009
Transcriber: NANDY

Hriday Mal & Ors.
Vs.
The State of West Bengal

Ms. Tiya Ghosh, Advocate

.....for the Petitioners

Mr. N.P. Agarwal, Advocate

Mr. Pratik Bose, Advocate

.....for the State

1. The instant revisional application has been filed against the impugned order of charge framed on 08.04.2011 by the Additional Sessions Judge, Fast Track Court-III, Rampurhat, Birbhum. A perusal of the revisional application revealed the charge-sheet being 74 of 2009 was submitted by the Investigating Officer on 31.10.2009 in connection with Murarai Police Station Case No. 52 of 2009 dated 26.09.2009 under Sections 147/148/149/323/325/307 of the Indian Penal Code.
2. It had been the specific grievance of the petitioners that the Trial Court while framing charges did not consider the statements recorded under Section 161 of the Code of Criminal Procedure, Injury Report and the delayed FIR and ultimately charge under Section 307 of the Indian Penal Code was framed.
3. From the report dated 18.09.2023 submitted by the Sub-Inspector of Police, Margram Police Station as well as the materials of the Case Diary produced by the learned Advocate for the State, it appeared that the trial had been commenced the evidence both of PWs 1, 2 and 3 were recorded on 09.11.2011 and 14.11.2011 respectively.
4. The petitioners have the liberty to agitate their grievances before the Trial Court at the time of argument with regard to the offences framed against them. There are sufficient

materials in the case diary to frame charges under the aforesaid Sections, which have been the subject of adjudication, through recording of evidence and its appreciation thereof.

5. In such circumstances, this Court is not inclined to interfere with the impugned order.
6. The instant revisional application being **CRR 1834 of 2011** is **dismissed**.
7. Learned Trial Judge is requested to dispose of the appeal pending since 2011 within a period of one year from the date of communication of this order.
8. Office is directed to communicate this order to the Trial Court.
9. Let the copy of the Case Diary be kept the record.

(Ananya Bandyopadhyay, J)