

09.06.2023
Item no. 01
sanjay

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

CRR 1754 of 2023

Ramesh Kumar Gupta
-Vs.-
The Central Bureau of Investigation

Mr. Avik Ghatak,
Ms. Afreen Begum ...for the petitioner.

Mr. Anirban Mitra,
Mr. Amajit De ...for the CBI.

Learned Advocate appearing for the petitioner submits that the petitioner filed an application on 03.04.2023 on the ground to return the charge sheet no.5 of 2010 dated 05.08.2010 expressing the same to be in contrary to law. The learned Trial Court has fixed the next date on 12.06.2023 for hearing the petition under Section 239 of the Cr. P.C., which is yet to be filed by the present petitioner though the co-accused persons have already filed the petition under Section 239 of the Cr.P.C.

Learned Advocate for the petitioner submits that the petition filed on 03.04.2023 by the petitioner herein, being the accused no.5 in the learned Trial Court should be taken up for hearing prior to the petition to be filed under Section 239 of the Cr. P.C., which otherwise would render, the petition to be filed under Section 239 of the Cr. P.C., infructuous.

The learned Trial Court is directed to dispose of the petition dated 03.04.2023 filed by the petitioner first and thereafter, if situation requires, dispose of the petition to be filed under

Section 239 of the Cr. P.C. complying with the order passed by the learned Trial Court on 03.04.2023 in connection with the Special Case No.22 of 2010 pending before the Trial Court. Both the parties should be present at the time of hearing on 12.06.2023.

With the above directions, CRR 1754 of 2023 is disposed of.

All parties shall act on the server copies of this order duly downloaded from the official website of this Hon'ble Court.

(Ananya Bandyopadhyay, J.)