

05.09.2023
Serial no. 93
[G.S.D]

CRR 1872 of 2023

In the matter of : Dilip Kumar Palit

... .. Petitioner

Mr. Krishnendu Bhattacharya

Ms. Amrita Pandey

Mr. Priyankar Ganguly

Ms. Neelanjana Ghorai

... for the petitioner

Mr. S. G. Mukherjee

Mr. Imran Ali

Ms. Debjani Sahu

... For the State

Ms. Sreyashee Biswas

... For the KMC

The petitioners are directed to serve a copy of this revisional application upon Ms. Debjani Sahu, Learned Advocate, who ordinarily appears on behalf of the State. Her appointment may be regularised by the concerned authority.

The petitioner is also directed to serve a copy of this revisional application upon Ms. Sreyashee Biswas, Learned Advocate, who ordinarily appears on behalf of the KMC. Her appointment may be regularised by the KMC authorities.

Mr. Bhattacharya, Learned Advocate appearing for the petitioner, submits that there has been a delay of more than three years and, as such, the case is barred under Section 468 of the Cr.P.C.

Learned Advocate also points out that the next date has been fixed by the Learned Trial Court for consideration of charges.

Having regard to the factum that the matter is pending for a considerable period of time, I direct that the Learned Magistrate would consider regarding the applicability of Section 401A of the KMC Act in so far as the documents which have been collected by the Investigating Agency and relied upon to prove its case.

At this stage, I do not intend to exercise the power under Section 482 of the Cr.P.C. to scuttle the proceedings.

However, the petitioner would be at liberty to canvass all the points advanced in the present revisional application before the Learned Magistrate and pray for discharge under Section 293 of the Cr.P.C.

With the aforesaid observations, CRR 1872 of 2023 is disposed of

Pending application, if any, is also disposed of.

Parties to act on a server copy of this order duly collected from the official website of the Hon'ble High Court at Calcutta.

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

(Tirthankar Ghosh, J.)