

19-06-2023
Subha
Item no.05

ct no.34

*IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction*

CRR 2073 of 2023

Mithilesh Singh
-versus-
The State of West Bengal & Anr.

Mr. Satadru Lahiri
Ms. Smruti Rekha Das
Mr. Dipanyan Kundu
....for the petitioner.

Mr. S. G. Mukherji, Id. PP,
Mr. Imran Ali
Ms. Debjani Sahu
...for the State.

Mr. Ali, learned advocate appearing on behalf of the State has submitted a report. Let it be kept with the record. The record reflects that the case was initiated in the year 2000. Chargesheet was submitted in the year 2002. It has been contended on behalf of the petitioner that a major part of the time the proceedings were stayed before this court in respect of a particular accused approaching this court invoking its revisional application. Very recently, the revisional application has been disposed of.

Be that as it may, the petitioner's case before this court is that he is Mithilesh Singh who has been implicated as an accused in the chargesheet as one Mithilesh Pandey. According to the learned advocate Mithilesh Pandey and Mithilesh Singh are not one and the same person. However, the police are trying to execute the warrant of arrest against him.

Having considered the prayers so advanced on behalf of

the petitioner, I direct that the learned Additional Chief Judicial Magistrate, Sealdah would conduct an enquiry regarding the identity of the persons as to whether Mithilesh Singh and Mithilesh Pandey are one and the same person. To that extent, the learned Additional Chief Judicial Magistrate, Sealdah would in connection with the Phulbagan Police Station Case No. 75 of 2000 seek the assistance of any superior officer of police who would exercise his office and would submit a proper report clarifying the identity of the person. Let such enquiry be completed within a period of three months from the date of the communication of this order. The execution of warrant of arrest be stayed till 21st September, 2023. If the claim of the petitioner goes in its favour, the learned Magistrate would subsequently recall the warrant of arrest.

With the aforesaid observations, the present revisional application being CRR 2073 of 2023 is disposed of.

Pending any other applications are disposed of.

All concerned parties are to act in terms of a copy of this order duly downloaded from the official website of this court.

[Tirthankar Ghosh, J]

