

D/L122
03.07.2023
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C.R.R.2349 of 2023

In Re: An application under Section 482 of the Code of Criminal
Procedure, 1973;

Dr. Deepayan Mondal
Versus
The State of West Bengal and another

Ms. Sananda Bhattacharyya.
...for the petitioner.

Mr. Saswata Gopal Mukherjee, Ld.P.P.,
Mr. Imran Ali
Ms. Debjani Sahu.
...for the State.

Petitioner is directed to serve a copy of the revisional application upon Mr. Imran Ali, learned advocate, who ordinarily appears on behalf of the State. His appointment may be regularised by the concerned authorities.

Learned advocate for the petitioner submits that the petitioner has been falsely implicated in the instant case and as he is a medical practitioner and there is dispute at the ground level of the said health centre. Learned advocate also submits that the petitioner has been tagged along with other persons who are involved without having any complicity.

Learned advocate for the State opposes the contentions after considering the merits of the case.

I have considered the factum of the Government money which is involved over here. Though the learned advocate submits that there has been repayment of the amount, I am of the view that repayment in such cases are mitigating circumstances to be

considered at the stage of sentencing. It is for the trial court to find it in course of the trial whether there was complicity of the present petitioner or not.

Having considered the nature of the allegations, I am not inclined to interfere with the prayers advanced in the revisional application. However, the petitioner would be at liberty to take up the points canvassed in the revisional application in course of the trial and at the final argument of the case.

With the aforesaid observations, CRR 2349 of 2023 is disposed of.

Pending application, if any, is consequently disposed of.

All 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 of all requisite formalities.

(Tirthankar Ghosh, J.)