

14-06-2023
Subha
Item no.45
Ct no.34

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

CRR 2786 of 2022

Rahul Ghosh and Ors.
-versus-
The State of West Bengal & Anr.

In Re : An application under Section 482 of the Code of Criminal Procedure.

Mr. Niladri Sekhar Ghosh
Mr. Tirthankar Dhali
.....for the petitioners.

Mr. Joydeep Roy, Jr. govt. Advocate
Ms. Sujata Das
...for the State.

Petitioners are directed to serve a copy of the application upon Mr. Joydeep Roy, learned junior government advocate who ordinarily appears on behalf of the State. His appointment may be regularized by the concerned Authorities in due course.

Mr. Ghosh, learned advocate appearing for the petitioners challenged the continuance of the proceedings under the relevant sections under which the chargesheet was submitted before the jurisdictional court. Learned advocate submits that if the documents under Section 207 of the Code of Criminal Procedure are taken into account then neither any offence under Section 498A or Section 307 of the Code of Criminal Procedure along with Section 406 of the Code of Criminal Procedure is made out.

I find from the records of the case that the petitioners

approached this court after the learned Additional Chief Judicial Magistrate, Kharagpur, Paschim Medinipore was pleased to fix dates for appearance and commitment.

Having considered the advanced stage for commitment of the case, I am of the view that the petitioner would be at liberty to take out an appropriate application under Section 227 of the Code of Criminal Procedure before the learned Sessions Court who would be entrusted with the trial of the case. The pendency of the present revisional application in fact has delayed the proceedings of commitment.

Mr. Ghosh, learned advocate for the petitioner submits that during the pendency of the revisional application warrant of arrest has been issued against all the accused persons. The execution of warrant of arrest be stayed till 31st July, 2023. Within the aforesaid period if the petitioners surrender before the learned A.C.J.M, Kharagpur, Paschim Medinipore, they would be allowed to continue on the same bail and bond. After such surrender, the learned A.C.J.M, Kharagpur, Paschim Medinipore would commit the case so that the proceedings before the sessions court expedites. This court has not considered the merits of the cumulative effect of the statements under Section 207 of the Code of Criminal Procedure. The learned sessions court would independently consider the same without being influenced by any observations made by this court.

With the aforesaid observations, the present revisional application being CRR 2786 of 2022 is disposed of.

All Pending applications, if any, are disposed of accordingly.

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]