

25.07.2023
SL.19
Ct no.34
Saswata

CRR 2691 of 2023

In Re:- An application under Section 482 of the Cr.P.C.

In the matter of : **Md. Arif Shaikh @ Aref Ali**

... petitioner

Mr. Atif Ahmed Siddiqui

Mr. Ratan Das

...for the petitioner

Mr. Tanmoy Kumar Ghosh

Ms. Sujata Das

...for the State

1. The petitioner is directed to serve a copy of this revisional application upon Ms. Sujata Das, learned advocate who ordinarily appears on behalf of the State. Her appearance be regularized by the concerned authority.
2. Learned advocate appearing for the petitioner challenges continuance of the proceedings, wherein charge sheet has been submitted in connection with Debra Police Station case no. 347 of 2022 under Sections 448/323/325/354B/307/506/509 of the Indian Penal Code.
3. Learned advocate for the petitioner draws the attention of this Court to the documents under Section 207 of the Cr.P.C particularly the medical report.
4. I have perused the same and I am of the view that there may be applicability or non-applicability in respect of some of the Sections. But, to hold at this stage that no offence has been made out from the documents relied upon by the prosecution, is practically impossible. It has been informed that the matter is still pending before the Learned CJM, Paschim Medinipur.
5. Accordingly, the Learned CJM, Paschim Medinipur is directed to commit the case to the Sessions Court. The Learned Sessions Court will take a decision regarding the trial to be conducted

before a particular Court and at that stage of Section 227/228 of the Cr.P.C., the petitioner would be at liberty to take out appropriate application for discharge.

6. The Learned Trial Court will consider the same in accordance with the provisions of law and arrive at its own finding without being influence by any observation made by this Court, while disposing of this present revisional application.
7. At this stage, no interference is called for by this Court.
8. With the above observations, the revisional application being CRR 2691 of 2023 is accordingly ***disposed of***.
9. Pending application, if any, is also disposed of.
10. Parties to act on a server copy of this order duly collected from the official website of the Hon'ble High Court at Calcutta.

(Tirthankar Ghosh, J.)