

D/L330
02.08.2023
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C.R.R.2785 of 2023

In Re: An application under Section 482 read with Section 401 of the
Code of Criminal Procedure, 1973;

Sathi Ghosh
Versus
The State of West Bengal and another

Mr. Arindam Jana
Mr. Panchanan Hajra.
...for the petitioner.

Ms. Baisali Basu.
...for the State.

Petitioner is directed to serve a copy of the revisional application upon Ms. Baisali Basu, learned advocate, who ordinarily appears on behalf of the State. Her appearance may be regularised by the concerned authorities.

Petitioner has challenged the continuance of the proceedings arising out of Pursurah Police Station Case No.73 of 2022 dated 17.05.2022, wherein charge-sheet was submitted under Sections 447/325/354B/307/506/34 of the Indian Penal Code.

Learned advocate for the petitioner submits that the petitioner is staying at a different jurisdiction in Bankura and she being a relation has been falsely implicated in connection with the instant case. According to the learned advocate, the statements which have been recorded by the Investigating Officer are copy-paste and the same are identical in respect of all the witnesses' concerned. Learned advocate has also taken the court through certain discrepancies appearing in the charge-sheet, statements

under Section 207 of the Code of Criminal Procedure.

Having considered the fact that the copies have already been served and at this stage if comments are invited from this Court in respect of the question of facts which have been raised, I am of the view that the same would prejudice the petitioner while the learned sessions court is considering as to whether charges should be framed against her or not.

Learned advocate submits that the petitioner has a child aged about one year.

Having regard to the same, I direct the learned trial court that in case an application under Section 205/317 of the Code of Criminal Procedure is filed on behalf of the learned advocate appearing for the petitioner with usual undertaking as settled by the Hon'ble Supreme Court, the learned trial court would not insist her physical appearance on regular dates until and unless the trial cannot proceed without her presence.

Petitioner would be at liberty to prefer an application under Sections 227/228 of the Code of Criminal Procedure. If an application is preferred by the petitioner, learned trial court would dispose of the same in accordance with law without being influenced by any observations made by this Court while disposing the present revisional application.

With the aforesaid observations, CRR 2785 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.)