

16.08.2023
Serial no. 35
[G.S.D]

CRR 2966 of 2023

In the matter of : Subir Dutta @ Subir Kumar Dutta

... .. Petitioner

Mr. T. K. Sinha

... For the Petitioner

Mr. Arijit Ganguly
Mr. Sanjib Kumar Dan

... For the State

The petitioner has preferred this present revisional application challenging the continuance of Survey Park Police Station Case No. 365 of 2012, wherein charge-sheet was submitted in the year 2013.

The petitioner is directed to serve a copy of this revisional application upon Mr. Arijit Ganguly, Learned Advocate, who ordinarily appears on behalf of the State. His appearance may be regularised by the concerned authority.

Learned Advocate for the petitioner submits that there was a subsequent FIR, which was registered at the instance of the Managing Director of the company, wherein a Report was submitted, which, in fact, is diametrically opposite to the contention of the FIR, which was registered at the instance of the present O.P. No.2.

The plea, which is taken up by the petitioner, is after 10 years of submission of charge-sheet. There are no enclosures regarding the documents of which charge-sheet was submitted. The charge-sheet reflects that there are six witnesses, whom the prosecution intends to cite for supporting its charges.

Having regard to the period, the plea, which has been taken up after 10 years of filing of charge-sheet, I am not inclined to interfere with the issues canvassed by the present petitioner.

It has been submitted that the next date has been fixed for consideration of charges. The petitioner, if so advised, will prefer an application under Section 239 of the Cr.P.C. and the Learned Magistrate will consider the same in accordance with law.

With the aforesaid observations, CRR 2966 of 2023 is disposed of.

Pending application, if any, is also disposed of.

Parties to act on a server copy of this order, duly collected from the official website of the Hon'ble High Court, Calcutta.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties, subject to compliance with all requisite formalities.

(Tirthankar Ghosh, J.)