

13-03-2023
Subha
Item no.22
Ct no.34

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

CRR 2614 of 2021

Sri Debasis Chakraborty & Anr.
-versus-
The State of West Bengal & Anr.

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

Mr. Debasis Kar
....for the petitioners.

Mr. Imran Ali
Ms. Debjani Sahu
....for the State.

Mr. Kar, learned advocate appears on behalf of the petitioners.

Mr. Ali, learned advocate appears on behalf of the State. In spite of service, none appears on behalf of the private opposite party.

The revisional application was preferred challenging the proceedings relating to Baranagar P. S. Case No. 422 of 2019 dated 26.-08-2019 under Sections 418/376/506/34 of the Indian Penal Code. The Investigating Agency on conclusion of investigation submitted chargesheet before the jurisdictional court.

Learned advocate appearing on behalf of the petitioners submits that the documents under Section 207 of the Code of Criminal Procedure are yet to be supplied to the petitioners. Learned advocate emphasizes on the continuation of the proceedings so far as the petitioner no. 2 is concerned.

In view of the stage of the case, I am reluctant to interfere in respect of the proceedings. Learned Magistrate would comply with the provisions of Section 207 of the Code of Criminal Procedure at the earliest and take steps so that the proceedings are committed to the jurisdictional sessions court within a month from the date of the communication of this order.

The petitioners would be at liberty to take out an application in the nature of an application under Sections 227/228 of the Code of Criminal Procedure. Learned court at the stage of consideration of charges would take into account the judgements delivered by the Hon'ble Supreme Court in the cases of *Uday -vs- State of Karnataka reported in (2003) 4 SCC 46*, *Dhruvaram Sonar -vs. State of Maharashtra (2019) 18 SCC 191*, *Maheshwar Tigga -vs- State of Jharkhand reported in (2020) 10 SCC 108*, *Prasant Bharti -vs- State(NCT of Delhi) reported in (2013) 9 SCC 293*, *Sonu -vs- State of Uttar Pradesh reported in 2022 SCC OnLine SC 1302* and decide whether the principles stated therein apply in the facts and circumstances of the present case or in the alternative the judgement delivered by the Hon'ble Supreme Court in *Anurag Soni -vs- State of Chattisgarh reported in (2019) 13 SCC 1* would apply.

With the aforesaid observations, the revisional application being CRR 2614 of 2021 is disposed of.

Pending applications, if any, are consequently disposed of.

Learned advocate appearing on behalf of the petitioners has submitted that the petitioner no. 2 is more than 75 years of age. As such, in the interest of justice, the petitioner no.2 be allowed to be

represented through his lawyer either under Sections 205/317 of the Code of Criminal Procedure and his presence may not be compelled until and unless the proceedings cannot progress without his physical presence.

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]