

D/L4
16.08.2023
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C.R.R.3452 of 2022

In Re: An application under Article 227 of the Constitution of India;

Biswajit Roy
Versus
Mala Sharma and another

Mr. Pallab Mohan Chakraborti.
...for the petitioner.

Mr. Swapan Banerjee
Mr. Suman De.
...for the State.

Affidavit-of-service so filed be kept with the record.

The present revisional application has been preferred challenging the order dated 15.03.2022 passed by the learned Judicial Magistrate, Nabadwip, District-Nadia in connection with Nabadwip Police Station Case No.507 of 2016 corresponding to G.R. Case No.497 of 2016.

I have perused the order dated 15.03.2022. Learned trial court on 15.03.2022 categorically recorded that on perusal of the case diary, he found sufficient materials against the accused Biswajit Roy, who is the present petitioner and, as such, he was named in the charge-sheet. Date was fixed for evidence on 22.11.2022.

I find in this case that the police authorities discharged two of the accused persons and implicated the present petitioner and another. None of the statements on which the police authorities or the investigating authorities have relied upon, has been enclosed in the revisional application. Learned Magistrate has

already perused the case diary to come to his findings regarding the complicity of the present petitioner.

Having regard to the same, I am of the opinion that at this stage in a case which was instituted in the year 2016 - more than 7 years ago and charge-sheet was submitted in the year 2018 - more than 5 years ago and the learned court on perusal of the materials has expressed his opinion, I am not in a position either on the enclosure to the revisional application or to any materials which have been produced before this Court to dispute and differ from the findings of the learned Magistrate.

Petitioner is granted liberty to take up all the issues in course of the trial before the learned trial court.

With the aforesaid observations, CRR 3452 of 2022 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.)