

Form J(1)

**IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction
Appellate Side**

**Present :
The Hon'ble Justice Bibek Chaudhuri**

CRR 3971 of 2022

**Buddhadev Das and another
Vs.
The State of West Bengal**

Mr. Imtiaz Ahmed
Ms. Ghazala Firdaus
Mr. Mofakkerul Islam
Mr. Sk. Saidullah
Mr. Mithun Mondal
Mr. Shibasish Banerjee
...for the petitioner

Mr. Sandip Chakraborty
...for the State

Item No. 08.

Heard & Judgment on: 02.01.2023

Bibek Chaudhuri, J.

G.R. Case No.133 of 2021 arising out of Mongalkote Police Station Case No.50 of 2021 dated 10th February, 2021 under Sections 448/341/323/325/34 of the Indian Penal Code is pending before the learned Additional Chief Judicial Magistrate, Katwa, Purba Bardhaman.

The accused persons of the said case have preferred the instant revision praying for quashing of the proceeding on the ground that though charge sheet has been filed against the petitioners under Sections 325 of the Indian Penal Code, the Investigating Officer failed to collect any injury report of the injured person. It is so submitted by the learned advocate for the petitioner on the basis of the documents supplied to the petitioners under Section 207 of the Code of Criminal Procedure. The learned advocate for the petitioners also submits that there are 23 witnesses as per charge sheet. The learned trial Judge framed charge against the accused persons on 22nd July, 2022 and fix 27th December, 2022 for evidence of charge sheeted witness No.1. If the trial of the case proceeds with such pace, there is no certainty that the instant matter will be disposed of within a reasonable period of time.

It is also urged by the learned advocate for the petitioner that charge sheet clearly reveals that the opposite party No.1 filed a civil suit against the private opposite party. Due to the pendency of the civil suit there is animosity between the parties and as a result of such inimical relationship a false complaint was lodged against the petitioners.

This Court in revisional jurisdiction is not in a position at this stage to consider the objections raised by the learned advocate for the petitioners. When charge has already been framed, the accused persons are required to face trial.

Having heard the learned advocate for the petitioner this Court is of the view that the instant revision can be disposed of with the assistance of the learned P.P.-in-charge. Mr. Sandip Chakraborty, learned P.P.-in-charge is requested to assist this Court.

I have heard the learned P.P.-in-charge.

Learned Additional Chief Judicial Magistrate, Katwa is directed to adopt the provision contained in Section 309 of the Code of Criminal Procedure and fix a schedule for examination of all charge sheeted witnesses within eight months from the date

of communication of this order and then come to a logical conclusion of the case.

The petitioners are at liberty to raise all points during trial as raised before this Court by the learned advocate for the petitioners.

The instant revision is, thus, disposed of.

(Bibek Chaudhuri, J.)