

24-08-2023
Subha
D/L 32
Ct no.34

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

CRR 4031 of 2022

Kamini Kumar Saikia and ors
-versus-
State of West Bengal and Anr.

Mr. Mrinal Kanti Mukherjee
.....for the petitioners.

Mr. S G Mukherji, Id PP,
Mr. Arijit Ganguly
Mr. Kaushik Kundu
...for the State.

Petitioners are directed to serve a copy of the revisional application upon Mr. Arijit Ganguly, learned advocate, who ordinarily appears on behalf of the State. His appointment may be regularized by the concerned Authorities in due course.

Having regard to the subject matter of the case wherein the chargesheet has been submitted and documents have been seized particularly in an area which falls within the jurisdiction of East Calcutta Wetland Management Authority, I am not inclined to interfere with the proceedings at this stage.

Learned advocate for the petitioners submits that the petitioners are aged and the case has been made out by incorporating sections for falsely implicating the petitioners.

The documents under Section 207 of the Code of Criminal Procedure are not enclosed with the present revisional application, although the learned advocate for the petitioners submits that the

next date is fixed for consideration of charges.

In view of the aforesaid, the petitioners are granted liberty to take out an application for discharge before the jurisdictional court. If on proper documentation an application under Sections 205/317 of the Code of Criminal Procedure is taken out, the learned Magistrate would consider the same in its perspective and if he is satisfied, he would not insist on the physical appearance of the petitioners until and unless without the physical presence the trial cannot be proceeded.

With the aforesaid observations, the present criminal revisional application being CRR 4031 of 2022 is disposed of.

Pending applications, if any, are consequently disposed of.

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]