

03.05.2023
Court
No.236
Item no.57
Biswajit

CRR 4048 of 2011

In the matter of : Paritosh Adhikary & Ors.

Mr. Tapan Dutta Gupta,
Mr. Parvez Anam For the petitioners.

Mr. Pravas Bhattacharyya,
Mr. Mirza Firoj Ahmed Begg ... For the State.

Heard Mr. Anam, learned counsel for the petitioners, who handed out copy of the death certificate of Saraswati Adhikary, who died on 1st September, 2016. It is submitted by Mr. Anam that the principal accused in the proceeding before the learned C.J.M, South 24 Parganas in BGR Case No.5359 of 2011 arising out of Behala Police Station Case No.394 (8) of 2011 has died. There is nothing much against the other accused persons.

Under such circumstances, I am of the view that the proceeding in BGR Case No.5359 of 2011 stands abated as against Saraswati Adhikary.

Mr. Dutta Gupta, learned senior Advocate for the petitioners, now submits that there is only some general allegation as against the other petitioners. Therefore, this Court may invoke Section 482 to quash the proceeding. However, I can not persuade myself to be in agreement with the view of Mr. Dutta Gupta, taking into consideration the fact that police is ready with the report and cannot file charge sheet against the accused persons before the learned Trial Court because of the order of this

Court.

Under such circumstances, I am inclined to recall the order. The investigating agency is directed to submit charge sheet. The learned Trial Court will decide at the time of consideration of charge whether the accused persons shall have to stand the trial or not.

Revisional application is thus disposed of.

(Siddhartha Roy Chowdhury, J.)