

23.11.2023
item No.294
Rakib (PA)
ct. no. 34

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION
APPELLATE SIDE**

CRR 4280 of 2023

**Smt. Bhagabati Chakraborty & Anr.
Vs.
The State of West Bengal & Anr.**

In Re: An Application under Section 482 of the Code of Criminal Procedure, 1973;

Mr. Biswajit Manna.

.... For the Petitioners.

Mr. Pravas Bhattacharya.

....for the State.

Mr. Biswajit Manna, learned Advocate appearing for the petitioner is directed to serve a copy of the revisional application upon Mr. Pravas Bhattacharya, learned Advocate who ordinarily appears for the State. His appointment may be regularized by the concerned authorities.

Learned Advocate for the petitioner challenged the proceeding arising out Contai Police Station case no. 36/2008 dated 25.02.2008 which is presently pending before the learned Judicial Magistrate, 3rd Court, Contai.

I find the case was initiated in the year 2008 and record reflects that there is another revisional application being CRR 4046 of 2016 is pending.

In view of the case being initiated in the year 2008 and charge-sheet having been submitted in the year 2009, at this stage

I am not inclined to interfere with the proceeding. Pendency of the other revisional application will not deter the learned Magistrate to proceed with the case. Petitioner would be at liberty to take out an application in the nature of Section 239 of the Code of Criminal Procedure if so advised. Learned Magistrate on perusal of the statement of witnesses will satisfy himself with respect to the discharge application. It is made clear that the learned Magistrate would arrive at its independent finding without being influenced by any observations made by this Court. If such an application is filed learned Magistrate would dispose of the same within a period of three months from the date of the filing of the application.

With the aforesaid observations CRR 4280 of 2023 is disposed of.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Tirthankar Ghosh, J.)