

24.11.2023
Serial no. 218
[G.S.D]

CRR 4301 of 2023

In the matter of : Chandan Sarkar

... .. Petitioner

MR. S. CHOUDHURY

... FOR THE PETITIONER

Mr. Mirza Firoj Ahmed Begg

... for the State

The petitioner is directed to serve upon Mr. Mirza Firoj Ahmed Begg, Ld. Advocate, who ordinarily appears on behalf of the State. His appearance may be regularised by the concerned authority.

The petitioner has challenged the continuation of Haringhata P.S. Case No. 179 of 2019 dated 12.5.2019 including the order dated 27.9.2023 passed by the Id. ACJM-in-charge, Kalyani, Nadia.

The grievance of the petitioner is that the petitioner after having been exonerated from the charges by the Internal Complaint Committee (for short, ICC), has to face the agony of criminal trial and according to the Id. advocate some of the witnesses who deposed before the ICC will be adduced for evidence on behalf of the prosecution before the Id. trial court.

According to the Id. advocate, the Id. trial court has ignored the report of the ICC and has arrived at its own

findings without considering such report which is in gross ignorance of the provisions of law.

The Id. trial court would take into account the statement of the defacto-complainant as well as the version under section 164 of the cr.p.c. The charges which have been incorporated in the charge-sheet are under sections 354/506/34 of the IPC.

I have considered both the statement which includes the complaint as well as the 164 Cr.P.C. statement and on an appreciation of the same, I am of the view that the findings of the Id. ACJM-in-charge, Kalyani, Nadia cannot be interfered with.

However, the petitioner will be at liberty to take up the issue relating to the documents of ICC and its findings in course of the trial

With the aforesaid observations, CRR 4301 of 2023 is disposed of.

Pending application, if any, is also disposed of.

Parties to act on a server copy of this order duly collected from the official website of the Hon'ble High Court at Calcutta.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties, subject to compliance with all requisite formalities.

(Tirthankar Ghosh, J.)

