

D/L13
20.12.2023
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C.R.R.4843 of 2023

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

Niranjana Sihi
Versus
The State of West Bengal

Mr. Milon Mukherjee
Mr. Aritra Bhattacharya.
...for the petitioner.

Mr. Anwar Hossain.
...for the State.

Petitioner is directed to serve a copy of the revisional application upon Mr. Anwar Hossain, learned advocate, who ordinarily appears on behalf of the State. His appearance may be regularised by the concerned authorities.

Mr. Mukherjee, learned senior advocate appearing on behalf of the petitioner submits that prima facie the material which have been collected by the investigating agency fails to make out any case so far as the present petitioner is concerned. The petitioner has been the victim of political vendetta and, as such, unnecessary sections have been incorporated so as to force him to face trial in respect of sessions triable offences.

I have considered the documents along with the revisional application but at this advanced stage I am not inclined to interfere with the merits of the case. Accordingly, I direct that at the stage of consideration of charges under Sections 227/228 of the Code of Criminal Procedure the learned sessions court will assess

regarding the applicability of the sessions triable offences and will not deter to exercise his jurisdiction in case he finds that the offences complained of are something else than what has been assessed by the investigating agency in its report under Section 173 of Cr.P.C. Needless to state that this Court has not gone into the merits of the case, as such, the learned sessions court would independently consider the merits of the case and dispose of the same in accordance with law.

With the aforesaid observations, CRR 4843 of 2023 is disposed of.

Pending connected application, if any, is consequently disposed of.

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

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

(Tirthankar Ghosh, J.)