

D/L8
03.04.2024
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C.R.R.16 of 2024

In Re: An application under Section 482 read with 401 of the Code of Criminal Procedure, 1973;

Jhumpa Das and another
Versus
The State of West Bengal

Mr. Jyoti Prakash Chatterjee.
...for the petitioners.

Mr. Debasish Roy, Ld. P.P.
Mr. Arijit Ganguly.
...for the State.

Report submitted by the State be kept with the record.

The subject matter relates to the quashing of the proceeding as well as the order dated 20.12.2023.

On perusal of the order dated 20.12.2023 I find that the present petitioners intend to examine on recall PW7, PW11 and SDPO of the case who are all related to the police department.

The main thrust of contention was that in a case under Sections 302/34 of the Indian Penal Code as to why the authorities granted permission for submitting charge-sheet under Sections 306/34 of the Indian Penal Code. Learned court on perusal and appraisal of the application for recall rejected the same.

I have considered the purpose for which the application was preferred and I find that for ascertainment of such issue the recall is unwarranted, as the finding of the judicial authority was based on perusal of the materials both in course of evidence as well as the materials already collected by the investigating agency. The

petitioners were also granted time to examine a particular witness. However, an adjournment was sought for and, as such, the final arguments of the case has commenced from the month of January, 2024.

It has been informed that the next date is fixed on 6th April, 2024 for further arguments in connection with the instant case.

Having considered the purpose for which the present revisional application was taken up and the issue involved which was dealt with by the learned trial court, I am of the view that no interference is called for by this Court. Learned trial court is directed to take the case to its logical conclusion by concluding the arguments and pronouncing its verdict.

With the aforesaid observations, CRR 16 of 2024 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.)