

02.12.2024
Item no.
ML/14+15
Asraf
Ct. No. 30

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

CRR 63 of 2022

**MD. ASHIQUE IKBAL MANDAL @ MD. ASHIQUE IQBAL
MONDAL
VS.
THE STATE OF WEST BENGAL & ANR.**

WITH

CRR 1312 of 2022

**MD. ASHIQUE IKBAL MANDAL @ MD. ASHIQUE IQBAL
MONDAL
VS.
THE STATE OF WEST BENGAL & ANR.**

Mr. Arindam Jana
Mr. Sudipta Dasgupta
Mr. S. Nayek

.....for the Petitioner

Mr. Saibal Bapuli, Ld. APP
Mr. Bibaswan Bhattacharya

.....for the State

Mr. A. G. Mukherjee

....for the opposite party no.2
in CRR 1312 of 2022

Learned counsel for the petitioner submits that due to inadvertence on the earlier date it was submitted that the present revisional application (CRR 63 of 2022) be heard along with CRR 1312 of 2022. A copy of the judgment in CRR 1312 of 2022 is filed today and it is submitted that the same was disposed of on 16th September, 2022.

Accordingly, let the record of CRR 1312 of 2022 be sent to the Department at once.

The present revisional application is to be heard independently.

Affidavit of service filed by the learned counsel for the petitioner be kept with the record.

The State is ready with the case diary.

The present revisional application has been preferred praying for quashing of the order dated 29.06.2021 passed by the learned Additional Chief Judicial Magistrate at Basirhat thereafter taking cognizance of the chargesheet being no.57 of 2021 dated 15.05.2021 under Sections 403/406/188 of the Indian Penal Code, 1860 against the petitioner herein which corresponds to GR case no.647 of 2020 arising out Basirhat PS case no.214 of 2020 dated 13.02.2020 under Sections 403/406/188 of the IPC.

It is submitted by the learned counsel for the petitioner that prior to the proceedings in the present case Basirhat PS case being no.213 of 2020 under Sections 406/409/120B of IPC was initiated against the petitioner herein by the President of SMC, Madhyampur Gulaichandi High School. The FIR in the present case has been initiated by the Teacher-in-Charge and, as such, the proceedings in both the cases are connected and in the interest of justice, the said cases should be heard by the same Court.

Considering the nature of the proceedings and the materials on record, the petitioner at this stage does not wish to press his prayer for quashing but prays that both the proceedings be heard by the same Court.

Accordingly, the learned District & Sessions Judge, Barasat, is requested to pass necessary directions so that both the cases are heard by the same Court, in the interest of justice.

Be it noted that this Court has not gone into the merits of these proceedings while disposing of the case and as such the petitioner is at liberty to agitate the issues raised in this revisional application at the appropriate stage before the appropriate forum.

Accordingly, CRR 63 of 2022 is disposed of.

Let a copy of this order be sent to the learned Trial Court for proper compliance.

All connected application, if any, stands disposed of.

Interim order, if any, stands vacated.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties expeditiously after complying with all necessary legal formalities.

[Shampa Dutt (Paul), J.]