

February 21, 2024
AD – 23
Ct. 34

IN THE HIGH COURT AT CALCUTTA
CRIMINAL APPELLATE JURISDICTION

SG

CRR 614 of 2024

In the matter of: Md. Mohabbat Ali
@ Mohabbat ali
... petitioner

Mr. M. Mukherjee
Mr. A. Patra
Mr. S. Ghosh
... for the petitioner.

The petitioner is aggrieved by the order dated 01.02.2024 wherein the application under Section 227 of Cr.P.C. filed by the petitioner was dismissed by the learned Sessions Judge, Malda in connection with Sessions Case No.380/23. The Learned Sessions Judge while dismissing the application under Section 227 of Cr.P.C. has balanced the factual circumstances appearing against the petitioner, the pros and cons of the attending circumstances which have been referred to and relied upon by the prosecution. On an assessment of the materials the finality was arrived at by the learned Sessions Judge.

There are issues which may have foundation and the same should be scrutinised in course of the trial.

Accordingly, the petitioner is granted liberty to canvass all the points which were agitated in the application under Section 227 of Cr.P.C. at the time of cross-examination, Section 313 Cr.P.C. at the stage of defence evidence and at the time of final argument of the case.

With the aforesaid observations, CRR 614 of 2024 is disposed of.

Pending 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 certified copy of this order, if applied for, be made available to the parties upon compliance of such requisite formalities.

(Tirthankar Ghosh, J.)