

CRR 863 of 2022

Sisir Fauzder
Vs.
The State of West Bengal & Ors.

Mr. Arindam Jana	
Md. Sabbir Biswas	...for the petitioner
Mr. Anwar Hossain	
Mr. Anindya Sunder Chatterjee	...for the State

This is an application under Section 482 of the Code of Criminal Procedure against the order of learned Magistrate dated 28th January, 2020 by which the court below had taken cognizance of the offence under Sections 341/323/506/34 of the Indian Penal Code in G.R case no. 266 of 2017.

All the accused persons were booked under Sections 341/323/304/506/34 of the Indian Penal Code in the aforesaid G.R. case no. 266 of 2017 corresponding to Goghat Police Station case no. 51 of 2017 dated 4.2.2017.

However, after completion of investigation, police submitted charge-sheet under Sections 341/323/188/506/34 of the Indian Penal Code. The grievance ventilated herein is that though the accused persons were also booked under Section 304 of the Code, but police had not submitted charge sheet under the said section. Moreover since petitioner was not informed, he could not get the opportunity to file protest petition (Naraji Patra).

Learned counsel for the petitioner submits that he wants to take out an appropriate protest application challenging exclusion of said section from the charge-sheet before the learned court below.

In such view of the matter, the petitioner/defacto-complainant herein, is hereby given liberty to file appropriate application if any before the court below within a period of three weeks from the date of communication of the order and in the event of filing such application by the petitioner herein before the court below, the court below will dispose of such application in accordance with law within a period of two weeks thereafter.

CRR 863 of 2022 is accordingly disposed of.

Urgent Photostat certified copy of the order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Ajoy Kumar Mukherjee, J.)