

11.12.2024
Item No.DL/4
Asraf
Ct. No. 30

IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION
APPELLATE SIDE

CRR 981 of 2022
with
CRAN 10 of 2024

In the matter of :

RAMJEE LAL AGARWAL
VS.
THE STATE OF WEST BENGAL & ANR.

Mr. Sandipan Ganguly, Senior Advocate
Mr. Sourav Chatterjee, Senior Advocate
Mr. Soumik Ganguli

.....for the Petitioner

Mr. Debasish Roy, Public Prosecutor
Ms. Sreyashee Biswas
Ms. Snigdha Saha

.....for the State

Mr. Anindya Sundar Chatterjee
Mr. Goutam Dinda

.....for KMC

1. The present revisional application has been preferred praying for quashing of the proceedings arising out of Burrabazar PS case no.143 of 2020 dated 30.06.2020 under Sections 401A, 392 and 618 read with Section 584 and 610 of the Kolkata Municipal Corporation Act, 1980 (corresponding to CR case no.167 of 2021) pending before the Court of the learned Senior Municipal Magistrate, Kolkata.
2. Mr. Ganguly, learned Senior Counsel appearing for the petitioner has brought the notice of this Court to an order dated 08.11.2021 passed in GR case no.93 of 2021 by the learned Senior Municipal Magistrate, Kolkata. It is submitted

by Mr. Ganguly that it was on the same day that copies were supplied to the accused persons and the matter was also taken up for framing of charge and the charge was framed, on the same day. As such the petitioner did not have any opportunity to prefer an application praying for discharge.

3. On filing a supplementary affidavit in this case annexing an order dated 15.04.2024 passed in WPA 1699 of 2024, Mr. Ganguly prays for leave to rely upon the said order on being granted an opportunity of filing an application for discharge before the learned Trial Court.
4. Heard the learned counsels appearing for the Kolkata Municipal Corporation and the State.
5. Considering the facts as discussed, the instant revisional application is disposed of with the direction that the petitioner shall file a prayer for discharge before the learned Trial Court within 30 days from date of this order and the petitioner is also granted liberty to rely upon the documents annexed with the supplementary affidavit and any other documents as deemed fit and proper.
6. The order under revision dated 08.11.2023 is thus set aside.
7. The learned Trial Court shall dispose of the application praying for discharge on hearing all the parties and proceed in accordance with law.
8. CRR 981 of 2022 is accordingly disposed of.

9. Applications, if any, connected thereto stand disposed of consequently.
10. Interim order, if any, stands vacated.
11. Urgent Photostat certified copy of this judgment, if applied for, be supplied to the parties expeditiously after complying with all requisite formalities.

[Shampa Dutt (Paul), J.]