

24.01.2024
Item No.76
Ct.No.34
dc.

IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION

C.R.R. 1008 of 2023
with
CRAN 1 of 2023

In the matter of : **Debasis Adak & Ors.** ... Petitioners.

Md. Ashraf Ali ... For the Petitioners.

Mr. Debashis Roy, Ld. P.P.,
Mr. Rudradipta Nandy ... For the State.

Affidavit-of-service filed by the petitioners be kept with
the record.

Petitioners have been implicated in connection with
proceedings arising out of Ghatal Police Station Case No. 234
of 2022 under Sections 341/323/506/34 of the Indian Penal
Code and Sections 3(r)(s) of the SC and ST (Prevention of
Atrocities) Act, 1989.

Number of issues have been canvassed by Mr. Ali,
learned advocate appearing for the petitioners and the same
has been opposed by the learned Public Prosecutor appearing
for the State.

I have considered the nature of the allegations and
having regard to the same, I am of the view that if the
petitioners appear before the learned Special Court in
connection with the instant case by 20.02.2024, the learned
trial court will consider whether custodial detention of the
petitioners are warranted in the background of the fact that
investigation has already been concluded in connection with
the instant case. Prior to one week before surrender, the
petitioners would file their application and the learned

Special Court would issue notice upon the *de facto* complainant as well as the State.

All the three parties must be heard and the learned trial court will arrive at its decision keeping in mind the observations made above.

The issues so canvassed in this revisional application may be taken up by the petitioners at the appropriate stage of the trial.

Interim order, earlier granted, is hereby vacated.

With the aforesaid observations, the revisional application being CRR 1008 of 2023 along with the connected application being CRAN 1 of 2023 is disposed of.

All concerned parties including the learned trial court 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 with all requisite formalities.

(Tirthankar Ghosh, J.)