

CRR No. 1020 of 2023

In the matter of : Aswini Kumar Bera

.....Petitioner

Mr. Aswini Kumar Bera

...Petitioner-in-Person

Mr. Antarikhya Basu

...for the State

None appears for the private opposite parties despite service.

Heard the petitioner and the learned counsels for the State.

The petitioner is aggrieved by the order passed by the learned Judicial Magistrate, 3rd Court, Paschim Medinipur on January 21, 2023 in G.R.Case No. 283 of 2015 turning down the objection petition of the petitioner.

The petitioner submits that though the injuries sustained by him are grievous, charge sheet was submitted under Section 447/323/506 of the Indian Penal Code.

Learned counsel for the State also submits that it is evident from the Case Diary that the injuries sustained were grievous.

The order impugned records that the learned Additional Public Prosecutor repeatedly sought adjournment on the relevant date since the defacto complainant/petitioner could not appear before the Court on that date. Despite the same, learned Magistrate chose to dispose of the application in absence of the petitioner.

Since the application was rejected without granting opportunity of hearing to the petitioner, the same is required to be set aside.

The order impugned dated January 21, 2023 passed by the learned Judicial Magistrate, 3rd Court, Paschim Medinipur in G.R.Case No. 283 of 2015 is set aside/quashed.

The learned Judicial Magistrate, 3rd Court, Paschim Medinipur is directed to reconsider the application filed by the petitioner upon granting reasonable opportunity of hearing to the petitioner and the State and dispose of the same as expeditiously as possible, preferably within one month from the date of communication of this order, in accordance with law.

CRR No. 1020 of 2023 is disposed of accordingly.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh,J)