

D/L38
13.05.2024
Bpg.

C.R.R.1570 of 2023

In Re: A petition under Section 482 of the Code of Criminal Procedure,
1973;

Sankha Subhra Sarkar and others
Versus
The State of West Bengal and another

Mr. Soumik Ganguli
Mr. Dilip Kumar Sadhu
Ms. Chandana Chakraborty.
...for the petitioners.

Mr. Anwar Hossain.
...for the State.

Earlier order reflects that supplementary charge-sheet has been submitted before the jurisdictional court. Copies of the same have already been served upon the accused persons.

If any application is taken out by the age old petitioners with supporting documents then in that case learned trial court would take into account the provisions of Section 205 of the Code of Criminal Procedure and at appropriate stages of the case dispense with personal appearance of the petitioners if such application is filed in accordance with settled provisions of law.

So far as the merit of the case Mr. Ganguli, learned advocate appearing for the petitioners stresses that earlier complaint was filed which was dismissed for non-persuasion at the instance of the de facto complainant. The same has no relevance under the provisions of Code of Criminal Procedure as the present case has been instituted on the basis of an FIR and the investigation has been taken to its logical conclusion.

Having considered the stage of the case, I direct the petitioners to prefer an application under Section 239 of the Code of Criminal Procedure. The learned trial court will consider the said application in accordance with law without being influenced by any observations made by this Court and independently arrive at its own finding within a period of 90 days from the date of filing of the said application.

With the aforesaid observations, CRR 1570 of 2023 is disposed of.

Pending connected application, if any, is consequently disposed of.

Case diary be returned to the learned advocate appearing for the State.

All parties 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 of all requisite formalities.

(Tirthankar Ghosh, J.)