

July 19, 2024
(3) ARDR

CRR 1688 of 2023
CRAN 2 of 2024

Dr. Amit Kumar Pradhan
Vs.
Nasira Begum

Adv. Kaushik Chowdhury,
Adv. Busra Khatun,

... for the Petitioner.

Adv. Biswajit Hazra,
Adv. Archisman Sain,

...for the O.P.

Adv. Arijit Ganguly,
Adv. Sreemoyi Roy,

...for the State.

By consent of the parties, the revisional application is taken up for consideration.

Learned counsel for the petitioner submits that complaint was lodged by the opposite party against several doctors of Burdwan Medical College & Hospital including Dr. A. Pradhan and summons was accordingly issued upon all the doctors. The petitioner is Doctor Amit Kumar Pradhan who is not involved in the alleged occurrence. But since summons was issued upon Dr. A. Pradhan, it was served upon the petitioner and the petitioner surrendered before the Court and was released on bail.

A report was called for from the learned counsel for the State as to whether Dr. A. Pradhan named in the summons issued by the learned trial Court is Dr. Amit Kumar Pradhan (the petitioner herein) or some other person. A report is received this day which demonstrates that summons was meant to be issued upon Dr. Anurag Pradhan and not upon Dr. Amit Kumar Pradhan who is the petitioner herein. Dr. Anurag Pradhan is named in the

complaint as one of the doctors involved in the alleged occurrence and the petitioner has no nexus whatsoever with the same. Confusion arose since summon was issued in the name of Dr. A. Pradhan only and the entire name was not indicated.

However, since it is clearly depicted in the report submitted by the State that Dr. A. Pradhan is Dr. Anurag Pradhan and not the petitioner herein, there is no reason why the petitioner should be made to face the trial despite the fact that he has no involvement in the alleged occurrence and no summons was issued upon him.

In view of the above, the revisional application, being CRR 1688 of 2023 is allowed.

Proceeding in C.R. case no. 26 of 2018 pending before the learned Judicial Magistrate, 3rd Court, Purba Burdwan qua the petitioner be quashed.

However, the proceeding shall continue against the other persons as before.

As a consequence, CRAN 2 of 2024 is disposed of.

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

(Suvra Ghosh, J.)