

01.05.2024
Item No.106
Ct.No.34
dc.

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION**

C.R.R. 1796 of 2024

In the matter of : **Sumit Mondal & Ors.** ... Petitioners.

Mr. Subhasis Pachhal ... For the Petitioners.

The petitioners have challenged the continuance of the proceedings being Jharkhali Coastal Police Station Case No. 31 of 2021 dated 21.04.2021. Records reflect that one of the accused persons is absconding, although the said accused person is not before this Court. The case was initiated in the year 2021, charge-sheet has been submitted and the documents under Section 207 of the Code of Criminal Procedure have been received by the petitioners before this Court. Accordingly, trial be split up and date be fixed for consideration of charges.

Petitioners are granted liberty to canvass all the issues in the revisional application at the stage of consideration of charges and to that effect, the petitioners would be entitled to file an application under Section 239 of the Code of Criminal Procedure. Learned Magistrate will consider the same in accordance with law without being influenced by any observations made by this Court.

Needless to state that this Court has not entered into the merits of the case so far as the complicity of each of the petitioners are concerned and the learned Magistrate will assess regarding the complicity of each of the accused

persons and thereafter decide whether the trial of the case should proceed or not.

With the aforesaid observations, the revisional application being CRR 1796 of 2024 is disposed of.

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

All concerned 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 with all requisite formalities.

(Tirthankar Ghosh, J.)