

09.05.2024
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IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

CRR No. 1823 of 2024

Sanjib Ghosh @ Sanjit

Versus

The State of West Bengal & Anr.

Mr. Shibaji Kumar Das,
Ms. Sayani Pan

...for the Petitioner.

Mr. Debasish Roy, Ld. PP
Mr. Arijit Ganguly,
Ms. Sremoyi Roy

...for the State.

Report so submitted be kept with the record.

The petitioner is aggrieved by the order dated 9th February, 2024 passed by the learned Additional Sessions Judge, Fast Track Court, Kalyani, Nadia in connection with S.C. No.39 of 2021 arising out of Chakdah Police Station Case No.52 of 2021.

Learned Advocate for the petitioner has stressed that in spite of the medical report being available, the learned trial court has made contrary observation and ignored the provisions of Section 329 of the Code of Criminal Procedure.

Mr. Arijit Ganguly, learned Advocate appearing on behalf of State, has drawn the attention of the Court to the relevant part of the

order dated 9th February, 2024, whereas the learned trial court has made observation regarding the day to day conduct of the accused petitioner, particularly with regard to the questions which were asked, regarding his attendance in the office and thereafter arrived at his own finding.

Having considered the overall circumstances which appear in this case and the plea which has been taken up by the petitioner, I am of the view that the learned trial courts are the best to assess regarding the demeanour of an accused. The plea relating to lunacy which has been taken up and the same has been turned down by the learned Sessions Court after assessing the overall circumstances, I direct the learned trial court not to be too rigid on the issue and would assess regarding the capacity of the accused to understand the progress of the proceedings at regular intervals.

The moment the learned Sessions Court is of the view that the petitioner is unable to understand the progress of the case, in that case the learned trial court would, if required again, seek the assistance as provided under the relevant counselling or proper advises from the government hospital so that no injury is caused at the end of the trial so far as merits of the case is concerned.

With the aforesaid observations, the present revisional application being CRR 1823 of 2024 is 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.)