

IN THE HIGH COURT AT CALCUTTA
(Criminal Revisional Jurisdiction)

APPELLATE SIDE

Present:

The Hon'ble Justice Shampa Dutt (Paul)

CRR 1385 of 2019

With

CRAN 1 of 2019

(Old No: CRAN 2424 of 2019)

Jagadish Chandra Halder

Vs

The State of West Bengal & Anr.

For the Petitioner : Ms. Soma Chaudhuri.

For the State : Mr. Rana Mukherjee,
Ms. Puspita Saha.

For the Opposite Party No. 2 : None.

Hearing concluded on : 09.04.2024

Judgment on : 09.05.2024

Shampa Dutt (Paul), J.:

1. The present revision has been preferred praying for quashing of the impugned proceeding as well as order dated 31.10.2018 passed by the Ld. Judicial Magistrate, 2nd court, Diamond Harbour, South 24 Parganas, in G.R. Case No. 1401 of 2016 arising out of Diamond Harbour, P.S. Case No. 194 dated 27.03.2016 under Sections 341/325/354/427/506/34 of the Indian Penal Code rejecting the application of the petitioner against for the forming of charge.
2. The allegations against the petitioner/accused in that they allegedly assaulted Pashupati Kayal with lathi, iron rod and sharp weapons. They also allegedly outraged the modesty of Durga Das, (Panchayat member) and snatched away ornaments.
3. The said allegations have been denied by the petitioner.
4. The prayer for discharge of the accused persons was rejected by the trial Court.
5. The State has placed the case diary.
6. The medical paper notes Head Injury and C.T. Scan of Brain, as advised.
7. At page 36 is the order of the High Court dated 22.09.2017 in CRR 3205 of 2017, which was preferred by this petitioner in respect of the self same case and proceedings before the trial Court after filing of Charge Sheet.

- 8. Paragraph 15 of the revisional application is the petitioner's statement and needs to be reproduced here:-**

“15. That it is stated that the petitioner/accused person moved the Hon'ble High Court under Section 482 of Cr.P.C. on 22.09.17 before His Lordship the Hon'ble Justice Joymalya Bagchi who disposed of the matter being No. CRR 3205 of 2017 with the observation to agitate the issues as canvassed in the said CRR at the Ld. Court below for which the petitioner moves this petition judging it to move right/appropriate stage before framing of charge fixed on 17.05.18 of the accused person in the case.”

- 9. The order of the Co-ordinate Bench in CRR 3205 of 2017 dated 22.09.17 in respect of the self same proceedings is as follows:-**

“CRR 3205 of 2017

In Re : Jagadish Chandra Halder

.... Petitioner

Petitioner prays for quashing of proceeding in G.R. Case No. 1401 of 2016 pending before the Learned Additional Chief Judicial Magistrate, Diamond Harbour, South 24 Parganas.

I have perused the impugned charge-sheet wherein it is alleged that the petitioner and other accused persons have assaulted the victim resulting in injuries and hospitalisation.

In view of the nature of allegations, I am not inclined to interfere with the impugned proceeding at this stage.

It is open to the petitioner to agitate the issues canvassed herein at the appropriate state of the proceeding in accordance with law, if so advised.

With the aforesaid observation, the revision petition is disposed of.

Photostat certified copy of this order, if applied for, be given to the parties on priority basis upon compliance of all formalities.

***Sd/-
(Joymalya Bagchi, J.)”***

- 10. Accordingly, the present revision is not maintainable, in view of the order dated 22.09.2017 in CRR 3205 of 2017 and thus stands dismissed.**
- 11.** All connected applications, if any, stand disposed of.
- 12.** Interim order, if any, stands vacated.
- 13.** Copy of this judgment be sent to the learned Trial Court for necessary compliance.
- 14.** Urgent certified website copy of this judgment, if applied for, be supplied expeditiously after complying with all, necessary legal formalities.

(Shampa Dutt (Paul), J.)