

29.08.2024
rc/ct.no.34
Item No.44

**CRR No. 1995 of 2024
with
CRAN No. 1 of 2024**

**In the matter of : Dr. Shantanu Mandal @ Santanu Mondal
Vs.
State of West Bengal & Ors.**

Mr. Amartya Ghosh
Mr. Sujan Chatterjee
Mr. Anirban Guha Thakurata
Mr. Arkadeb Bhattacharya ...for the Petitioner

Mr. Madhusudan Sur
Ms. Kanchan Royfor the State

Affidavit of service filed by the petitioners is taken on record.

By consent of the parties, the revisional application is taken up for consideration along with the application being CRAN No. 1 of 2024.

Heard learned counsels for the parties.

The petitioner has assailed the order passed by the learned Judicial Magistrate, 5th Court, Howrah on February 27, 2023 in G.R.Case No. 8796 of 2015 turning down the prayer of the petitioner under Section 239 of the Code of Criminal Procedure.

The petitioner filed an application for discharging him from the case on several grounds before the learned Trial Court. In the order impugned, the learned Trial Court has only held that since the investigating officer has submitted charge sheet upon conclusion of investigation the matter needs to be decided upon trial.

It appears from the said order that the learned Magistrate has not taken the pain to even peruse the application filed by the petitioner, let alone consider the averments made by the petitioner therein. The order is bereft of any reason whatsoever.

In view of the above, this Court is inclined to hold that the order impugned dated February 27, 2023 be set aside. The matter be remanded to the learned Trial Court for considering the application filed by the petitioner under Section 239 of the Code afresh and passing a reasoned and speaking order upon dealing with the averments made by the petitioner therein as expeditiously as possible, preferably within a period of one month from the date of communication of this order, in accordance with law.

The revisional application being CRR No. 1995 of 2024 is disposed of.

The connected application being CRAN No. 1 of 2024 is also disposed of.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

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

(Suvra Ghosh,J)