

22.11.2024

Sl. No.: 11

Court No.30
BM

CRR 3055 of 2022

Monotosh Kumar Chatterjee

Vs.

The State of West Bengal & Ors.

Mr. Sanjoy Ghosh

... for the petitioner

Mr. Md. Anwar Hossain

... for the State

Mr. Apurba Kumar Datta

Mr. Sreemoyee Mukherjee

... for the opposite party nos.2, 3, 4 & 5

The present revisional application has been preferred against an order dated 30.04.2022 passed by the court of Learned Additional District & sessions Judge, 2nd Court, Asansol, in connection with Criminal Revision No.18 of 2021(26 of 2021) CIS No.20 of 2021, CNR No.20 of 2021 thereby affirmed the impugned order dated 16.08.2021(originally 10.08.2021) and 22.09.2021 passed by the learned Chief Judicial Magistrate, Paschim Bardhamanin connection with G.R Case No.482/2020 arising out of Hirapur P.S Case No.58/2020 corresponding to complaint case No.262/2020 dated 13.02.2020 under Section 156(3) of Cr.P.C.

The petitioner's case herein is that the present case has been initiated on the basis of an application filed by him under Section 156(3) of the Cr.P.C for offence punishable under Sections 506/505/195/298/295(A)/120B/34 of the IPC.

The petitioner being aggrieved file a Naraji petition under Section 173(8) of the Cr.P.C praying for further investigation on 28.08.2020.

After almost an year the learned Chief Judicial Magistrate dismissed the Naraji petition of 22.09.2021 on the ground that the petitioner was not taking any steps.

It is the case of the petitioner that during the said period Covid pandemic was on and because of that he could not attend the court.

It appears that the allegations of the petitioner in the written complaint as seen from the case diary is that the petitioner was not permitted to be a member of local Durga Puja Committee in a case dated 13.02.2020(Covid pandemic) and as such when the petitioner is aggrieved not being permitted to be a member of the Durga Puja Committee, he on the other hand is taking the defence of Covid pandemic during the same period for not attending the court.

It appears that the learned Magistrate on giving sufficient opportunity finally dismissed the prayer for Naraji and directed that the trial shall proceed.

Accordingly, on hearing the parties the criminal revision is disposed of with the direction that the petitioner shall be at liberty to agitate the issues as raised in the present revision before the Learned Trial Court at the time of trial including at the stage of consideration of framing of charge, when the trial in a case commence.

The revisional application being CRR 3055 of 2022, is thus, disposed of.

All applications connected thereto stand disposed of.

Interim order, if any, stands vacated.

Let a copy of the order be sent to the learned trial court for compliance.

Urgent Xerox certified copies of this order, if applied for, shall be supplied to the learned counsel for the parties as expeditiously as possible, in compliance of usual formalities.

(Shampa Dutt (Paul), J.)