

01-04-2024
Subha
Item no. 04
Ct no.34

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

CRR 3140 of 2023

Shri Tapas Banerjee @ Tapas Kumar Bandyopadhyay and Anr.
-versus-
State of West Bengal and anr.

Mr. Ayan Bhattacharya
Mr. Santanu Chatterjee
...for the petitioners.
Mr. Imran Ali
.....for the State.
Ms. Sreyashee Biswas
Mr. Anindya Sunder Chatterjee
Mr. Goutam Dinda
Ms. Puja Goswami
..for the KMC.

The present revisional application was preferred challenging the continuance of the chargesheet submitted in connection with Gariahat P. S. Case No. 32 of 2022 dated 06-03-2022 which is pending before the learned Municipal Magistrate, 4th court, Calcutta.

A report was earlier submitted on behalf of the KMC. The case diary was also produced by Mr. Ali, learned advocate appearing for the State.

Having regard to the stage at which the petitioners approached this court, I am of the view that the petitioners should first approach the learned Municipal Magistrate, 4th court, Calcutta by invoking the jurisdiction under Section 239 Cr.PC. The learned Magistrate would independently consider regarding the issues which may be advanced on behalf of the accused/present petitioners without being influenced by any observations made by this court.

It has been informed that the petitioner no.1 is not only 72 years old but also is suffering from ailments which may not permit his health condition to attend

the court. Under those circumstances, if an application under Section 205 Cr.PC is filed before the learned court, the learned court will take into account the medical reports advanced on behalf of both the petitioners and dispose of the application under S.205 Cr.PC and if possible to dispense with their personal appearance on dates on which their appearance may not be required provided they give usual undertakings as has been settled by the Hon'ble Supreme Court. It is categorically stated that this should not be a ploy for delaying the proceedings and learned lawyer who undertakes to appear on behalf of the present petitioners must be present on the date and time when the court takes up the present case relating to Gariahat P. S. Case No. 32 of 2022.

With the aforesaid observations, the revisional application being CRR 3140 of 2023 is disposed of.

All concerned parties are to act in terms of a copy of this order duly downloaded from the official website of this court.

[Tirthankar Ghosh, J]