

22.11.2024
rc/ct.no.34
Item No.37

CRR No. 3633 of 2024

In the matter of : Dasarath Devi Dubey

.....Petitioner

Mr. Kusal Kumar Mukherjee
Mr. K.K.Tewary
Mr. Narattam Acharyya
Mr. Rahul Das

...for the Petitioner

Md. Shahjahan Hossain
Ms. Sanjida Sultana
Mr. Prithwiray Biswas

...for the O.P.

The petitioner has assailed the order passed by the learned Additional Chief Judicial Magistrate-II, Calcutta on August 14, 2024 in G.R.N.S.Case No. 1069 of 2020 turning down the prayer of the petitioner under Section 205 of the Code of Criminal Procedure.

It appears from the order impugned that the learned Trial Court did not rely upon the medical documents filed by the petitioner in turning down the prayer.

Learned counsel for the petitioner submits that the petitioner is extremely ill and is not in a position to move out of her house and appear before the learned Trial Court. She may be permitted to appear before the learned Trial Court for collecting the copies and for consideration of charge through the virtual mode.

Learned counsel for the private opposite party submits that the petitioner may be permitted to appear before the learned Trial Court virtually subject to sanction of this Court.

In order to enable speedy disposal of the case and to avoid unnecessary delay, the petitioner is permitted to appear before the learned Trial Court through the virtual mode on November 28, 2024. A family member authorized by the petitioner shall remain present before the learned Trial Court to collect the copies supplied to the petitioner.

Surprisingly, the learned Trial Court has fixed November 28, 2024 for supply of copy as well as consideration of charge. Some time ought to be given to the petitioner and other accused of the case to peruse the copies supplied to them before the matter is taken up for consideration of charge.

In view of the above, this Court directs the learned Trial Court to take necessary steps for supply of copies to the petitioner and other accused who are present before the learned Trial Court on the next date fixed before him and fix another date for consideration of charge.

Since nothing further remains to be adjudicated in the present application, the same being CRR No. 3633 of 2024 is disposed.

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)