

07.05.2024
Court No.32

Item.35
Sws.M

C.R.R. 3966 of 2017
with
CRAN 1 of 2018
(Old No. CRAN 2664 of 2018)

In the matter of: **Sankar Kumar Das**

.....Petitioner.

Mr. Pravash Bhattacharya

Ms. M.F.A. Begg

...for the State

Nobody appears on behalf of the petitioner on call. Learned advocate appearing on behalf of the State filed the present status of the proceeding. The same be kept with the record.

He also produced CD and submits the prayer for quashing of the proceeding of GR Case No. 879 of 2009 under Section 338 of the Indian Penal Code should be rejected at the threshold because charge has already been framed on 15.07.2023 and next date is fixed on 13th May, 2024 for evidence.

Heard the learned counsel appearing on behalf of the State as well as perused the CD and the application filed by the petitioner, it appears that a written complaint was filed under Section 156(3) of the Cr.P.C. by the opposite party No. 2 in the year 2009 before the learned Chief Metropolitan Magistrate, Kolkata alleging the commission of offence under Section 326/307 of the Indian Penal Code. The prayer was allowed by the learned Magistrate and directed to treat the petition and registered as an FIR and cause investigation to the allegations made in the said petition. Accordingly, a case was registered as Shakespeare Sarani

Police Station Case No. 166 of 2009 dated 28th March, 2009 under Section 307 of the IPC. After conclusion of the investigation, charge-sheet No. 88 of 2009 dated 7th July, 2009 under Section 338 of the IPC has been submitted on 8th July, 2009. During investigation a statement was recorded under Section 161 Cr.P.C. and on the basis of materials collected during investigation a prima facie case has been established against the present petitioner.

Considering the materials available in the charge-sheet, the learned Court below took cognizance and subsequently charge has been framed and the case has been proceeded for trial. Upon perusal of the CD it appears that there are sufficient materials against the present petitioner and the offence alleged by the de-facto complainant is sufficient to proceed with case.

Accordingly, this Court do not find any merit in the application filed by the petitioner and the same is found meritless.

Accordingly, CRR 3966 of 2017 is thus dismissed without any order as to cost.

The connected application being CRAN 1 of 2018 (Old No. CRAN 2664 of 2018) is disposed of.

Interim order, if any be vacated.

Let this order be communicated to the learned court below for information and taking necessary action in accordance with law.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties after observing all legal formalities.

(Ajay Kumar Gupta, J.)