

In the Court of Metropolitan Magistrate 4th Court, Calcutta
PRESENT: SK JAFAR ALI, (WBJS), J.O. Code No. WB/01347

GRS 850/2012

Order Dated : 14.02.2023

Today is fixed for charge.

An absent petition has been filed on behalf of accused No. 1 and 3 on the ground stated therein.

The Ld. Advocate of the accused persons is present.

The Ld. APP is also present.

The Ld. Advocate of the accused persons submitted that after supplying of copies containing 53 sheets, the matter was fixed for consideration of charge. He prayed for passing necessary order for adjourning the matter.

On the contrary, the Ld. APP submitted that in the instant case the evidence of PW-1 was already going on. She further contended that charge has already been framed and evidence was going on but during the evidence of PW-1 the prosecution wanted to produce some documents which were not seized by the I.O. and on the basis of the petition of her this court vide order dated 24.09.2019 has allowed the application of the prosecution which was filed on 06.02.2019 in view of section 242(2) r/w section 91 of Cr.P.C and after supplying of those copies this case record was ought to be fixed for further evidence of PW-1 but due to inadvertence after supplying of copies the record was fixed for framing of charge. She prayed for passing necessary order to rectify the inadvertence.

On perusal of the record, this court finds the substance in the contention of the Ld. APP as a whole.

It is further found that in order dated 28.06.2022 some inadvertence has been occurred as the matter was fixed for framing of charge after supply of copies but in the instant case the evidence of PW-1 was already running after framing of charge u/s 420/467/468/471/120B IPC.

Accordingly, the inadvertence as mentioned above is hereby rectified for the ends of justice and next date will be fixed for further evidence of PW-1.

However, in the instant case it is found that at the instant case is of 2012 and charge was framed on 20.12.2018 but the evidence could not be completed due to various reasons as may be found from the record.

As such, this court is of the view that shortest possible dates may be fixed for evidence so that the instant case record may be disposed of at the earliest.

Accordingly, BC II is directed to issue summons upon PW-1.

BC I is directed to fix shortest possible dates for early disposal of the instant case.

Fix 02.03.2023 for further evidence of PW-1.

D/C by me.

Sd/-
M.M. 4th Court, Kolkata.

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