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CRR 3439 of 2025

In Re : Dr. Saikat Saha petitioner

Mr. Mayukh Mukherjee
Ms. Gargi Goswami
Mr. Sounak Mukherjee
Mr. Koostav Bhattacharyya
..... for the petitioner

The present revisional application has been preferred seeking quashing of G.R. Case No. 4518 of 2018 dated 5th February, 2018, under Section 304A of the Indian Penal Code, pending before the Court of the learned Chief Judicial Magistrate, Barasat.

Ms. Goswami, learned Advocate appearing for the petitioner, submits that following the death of a patient, a complaint was lodged alleging that the death occurred due to administrative and medical negligence. She further submits that the patient was initially admitted under the supervision of another doctor, and in his presence, the petitioner attended to the patient. She also contends that in the present case, proceedings were initiated and the charge-sheet was submitted even before obtaining the opinion of the medical expert, in contravention of the principles laid down in the judgment of *Jacob Mathew vs. State of Punjab & Anr.*, reported in (2005) 6 SCC 1. Citing an unreported decision passed by a Co-ordinate Bench in CRR 3097 of 2023, she submits that the

case in G.R. Case No. 4518 of 2018 has already been quashed in respect of one accused person, namely Dr. R. Sarkar.

Having heard the learned Advocate appearing for the petitioner and upon perusal of the materials on record, I am of the view that the issue raised in the present revisional application requires consideration on merits and the petitioner has made out a good arguable case in his favour.

In view thereof, all proceedings and further proceedings in G.R. Case No. 4518 of 2018 shall remain stayed until the end of February 2025, or until further orders, whichever is earlier.

The opposite parties shall be at liberty to apply for vacating, modifying, or cancelling this interim order, if they so desire and are advised accordingly.

In view thereof, the petitioner is directed to serve a copy of this revisional application, along with all annexures, upon the opposite parties, together with a notice intimating that the matter shall be taken up for further consideration on 18th November 2025, and to file an affidavit of service on the returnable date.

(Partha Sarathi Chatterjee, J.)