

24.11.2025

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SB

CRR 3909 of 2025

**Salik Zaman @ Salik Zama & Anr.
Vs.
The State of West Bengal & Ors.**

Mr. Sekhar Kumar Basu, Sr. Adv.
Mr. Tarique Quasimuddin
Ms. Zainab Tahur ...for the Petitioners

Being aggrieved and dissatisfied with the impugned order dated 24.6.2025 passed by the learned Sessions Judge, FTC, Chandannagore, Hooghly in S.C. 52 of 2021, the instant application has been preferred by the petitioners.

It is submitted on behalf of the petitioners that earlier, the petitioners challenged the proceeding being Bhadreswar Police Station case no. 106 of 2017 before this court and this court by an order dated 28.9.2021, was pleased to quash the said proceeding.

Being aggrieved by the said order passed by this court, the aggrieved party preferred criminal appeal before the Apex Court and the Hon'ble Apex Court in its judgment dated 7th January, 2025 observed that the defacto-complainant died on 12.4.2019 and it is therefore next to impossible to serve any notice upon him through speed post on 14.10.2020, as has been stated in the affidavit of service. Moreover, the postal department under RTI also clearly pointed out that the same was returned to the sender with the remark "deceased". Overlooking the said fact, the affidavit of service was relied and the judgment was passed under the impression that the copy of the application was duly served upon the defacto-complainant.

Accordingly, the Apex Court pleased to set aside the aforesaid impugned order dated 28.9.2021 passed by this Court and remanded back to this High Court for reconsideration after affording an opportunity of hearing to the parties concerned. Since the defacto-complainant is no more, this court has been directed to hear the other victims, i.e. Shahbaz Anwar and Ershad Ahmad.

However, the learned Trial court ignoring the aforesaid order of the Hon'ble Apex Court, has passed the impugned order whereby the court below fixed a date for charge hearing and the appearance of the petitioners before him.

Having heard learned counsel for the petitioners, the application is admitted.

Petitioners are directed to serve a copy of the application upon the opposite party no. 1 through the office of the Public Prosecutor, High Court at Calcutta and also upon the opposite party no. 2 and 3 through speed post intimating the next date of hearing and to file affidavit of service on the returnable date.

Let the matter appear in the Monthly list of January, 2026 under the heading **"Contested Application"**.

Learned counsel for the petitioners also prays for interim stay of the impugned proceeding.

Having heard learned counsel for the petitioners and that the petitioners had made out an arguable case which requires adjudication on merit, let the impugned order dated 24.6.2025 passed by the learned Sessions Judge, FTC, Chandannagore, Hooghly in S.C. 52 of 2021 be stayed for a

period of twelve weeks or until further order, whichever is earlier.

Urgent Photostat certified copy of this order, duly applied for, be given to the parties upon compliance of all requisite formalities.

(Dr. Ajoy Kumar Mukherjee, J.)