

31.07.2024

Court No.29

Item No. 02

ar

CRA 570 of 2017
with
I.A No.CRAN 2 of 2019(Old No. CRAN 4033 of 2019)
CRAN 3 of 2023

In Re : Tapan Mal & Ors.

Mr. Sufi Masih Aftab ... For the Appellant no. 7/ Applicant

Mr. Kunal Ganguly ... For the State

1. Both the applications have been filed for the selfsame relief. It appears that on 30th September, 2019 an application being CRAN 2 of 2019 was filed. For some reason the said application is pending and another application being CRAN 3 of 2023 has been file for the same relief.
2. CRAN 2 of 2019 is an application for direction upon the learned Trial Judge being the learned Additional District and Sessions Judge, 2nd Fast Track Court, Jangipur, Murshidabad, to determine the juvenility of the applicant on the date of commission of the offence. This application has been filed on the basis of an observation of a coordinate Bench presided over by the then Chief Justice Thottathil B. Radhakrishnan on 23rd September, 2019 in which the following observation was made:-

“In the meanwhile, the 7th appellant, about whom it is submitted today that he was a juvenile at the time of the occurrence, will be at liberty to place appropriate application which may prompt this Court to send his case for assessment before the appropriate authority in accordance with law.”
3. Learned advocate appearing of the appellant no. 7/applicant has disclosed some documents in support of his contention.

4. Under such circumstances, we request the learned Additional District and Sessions Judge, 2nd Fast Track Court, Jangipur, Murshidabad to determine the juvenility of the applicant on the date of the alleged offence by taking necessary enquiry and taking evidence, as may be necessary, within a period of six weeks from the date communication of this order.
5. In view of the above, CRAN 2 of 2019 (Old no. CRAN 4033 of 2019) stands disposed of.
6. Learned counsel for the applicant submits that initially he was unaware of the earlier application being CRAN 2 of 2019 for the selfsame relief mentioned in CRAN 3 of 2023 and has prayed for leave to withdraw CRAN 3 of 2023.
7. In view of the said submission CRAN 3 of 2023 stands dismissed as withdrawn.

(Soumen Sen, J)

(Uday Kumar , J)