

20.12.2022

Sl. No. 05.

Mithun.

Ct.No.42.

IA No: CRAN/1/2022

In

CRR/4103/2022

Sukumar Gorai

Vs.

The State of West Bengal

Mr. Sourav Chatterjee, Adv.

Mr. Avik Ghatak, Adv.

Ms. Afreen Begum, Adv.

...for the petitioner.

Mrs. Faria Hossain, Adv.

Mr. Anand Keshari, Adv.

...for the State.

This is an application filed by the petitioner praying for stay of proceedings in connection with G.R. Case No.664 of 2022 arising out of Raghunathpur Police Station Case No.108 of 2022 dated 1st October, 2022 presently pending before the learned Additional Chief Judicial Magistrate at Raghunathpur.

In order to appretiate the facts and circumstances involved in the instant case, it is necessaty to state that the petitioner has filed a revisional applicatgion under Article 227 of the Constitution which was registered as CRR No.4103 of 2022 praying for expunging certain remarks made by the learned Additional Sessions Judge, Raghunathpur, Purulia in his order dated 29th October, 2022 while disposing of an appliction for bail.

The impugned order prima facie shows that while granting bail to the accused by making certain observations, the learned Additional Sessions Judge Raghunathpur has practically

demolished the prosecution case. He has made certain remarks against the Investigating Officer questioning even his integrity.

Under such backdrop, it is submitted by filing the instant application that the Investigating Officer intends to file final report after investigation in connection with Raghunathpur Police Station Case No. 108 of 2022 mainly because of the observations made by the learned Additional Sessions Judge in the order impugned.

It is submitted on behalf of the petitioner by filing the instant application that if final report is filed in the aforementioned case, the petitioner will suffer irreparable loss and injury and cause of justice will be denied to him.

A copy of the application has been served upon the learned Public Prosecutor-in-Charge.

It is submitted by the learned Public Prosecutor-in-Charge that she has gone through the case diary. The Investigating Officer has already collected materials against the accused persons and the learned Public Prosecutor-in-Charge requires to ascertain as to why the present petitioner apprehends that a final report will be submitted in connection with Raghunathpur Police Station Case No. 108 of 2022.

In view of such submissions made by the learned Counsel for the petitioner and the learned Public Prosecutor-in-Charge, further proceedings in connection with G.R. Case No.664 of 2022 be stayed for a period of six weeks.

Learned Public Prosecutor-in-Charge is requested to obtain necessary instruction in the meantime.

Matter be listed under the heading “Application” in the Monthly List of February, 2023.

(Bibek Chaudhuri, J.)