

**HIGH COURT OF TRIPURA
AGARTALA
CRL. REV. P NO.17 OF 2023**

Sri Sankar Debnath and ors.
Vs.
The State of Tripura.

HON'BLE THE CHIEF JUSTICE (ACTING)

Present:

For the Petitioner(s) : Mr. K. Deb, Advocate.
For the Respondent(s) : Mr. R. Datta, P.P.

31.03.2023

Order

The present revision petition has been filed under Section 397, R/W 482 of the Code of Criminal Procedure, 1973, against the order dated 01.12.2022 regarding the framing of charge passed in ST-17 of 2022(T-1) by the learned Session Judge, South Tripura District, Belonia, wherein the petitioners have been charged with an alleged offence under Sections 148/149/341/325/353/307/384/34 of the IPC.

The fact of the present case is that on 24.09.2010, at 1.30 P.M. the complainant allegedly went along with Survey Commissioner, bailiff, decree-holder, and his son for the execution of an order passed by the Civil Judge Junior Division, Belonia, South Tripura. When they reached nearby

the decreetal land at Radhanagar, the accused persons came with iron rods and other weapons and attacked the complainant and others. Due to the attack of the accused persons, the Court bailiff, survey commissioner, decree-holder, and his son got injured. They were treated in Rajnagar PHC. They also alleged that some money and important documents were snatched away. The present revision petitioners were charged shifted by the investigating agency for committing the alleged offence under Sections 148/149/341/325/353/307/384/32 of IPC. The learned CJM Belonia took cognizance of the offence and committed the matter to the Session Judge, Belonia, South Tripura.

Following the procedure, 01.12.2022 was fixed for hearing/discussion of charge where the revision petitioners filed two applications one under Section 288(1)(a) of Cr.P.C. for transferring back the case record to the CJM as Section 307 IPC is not attracted in the present case and another application under Section 227 of Cr.P.C. for discharging them.

The learned Trial Court below on the same day rejected both the prayer of the present revision petitioners and framed the charges under Section 148, 149, 341 R/W 34, 353 R/W34, 325 R/W34, 307 R/W 34, and under Section 384 R/W 34 of IPC against all the applicants and fixed the calendar

for cross-examination of PWS dated 31.03.2023 to 06.04.2023.

Confronting the same, the present petitioners preferred this instant revision petition praying for the following reliefs:-

- " i. Admit the Revision Petition;*
- ii. Call for the records.*
- iii. Issue notice.*
- iv. after hearing the parties, be pleased to set aside/quashed the order dated 01.12.2022 passed by the Ld. Session Judge, South Tripura, District, Belonia in connection with ST-17 OF 2022(T-1) by and sent the record to the Court having appropriate jurisdiction to conduct the case.*
- v. till disposal of the present petition stay the further proceeding of the St-17 of 2022 (T-1) pending before Ld. Session Judge, South Tripura District, Belonia.*
- vi. and pass any other order/orders deemed fit and proper by this Hon'ble Court."*

Heard Mr. K. Deb, learned counsel appearing for the petitioners as well as Mr. R. Datta, learned P.P. appearing for the respondents.

Mr. K. Deb, learned counsel appearing for the petitioners submits that the learned Trial Court below committed an error while keeping Section 307 of IPC at the time of framing of charge based on material available on record.

Mr. R. Datta learned P.P. appearing for the respondents submitted that today is the date fixed for examination of the witnesses and cross-examination. At this present stage, this revision petition cannot be allowed.

Heard both sides and perused the evidence on record.

The matter involved in this revision petition is of the year 2019. The charge sheet has been submitted after investigation, charges were framed, cognizance is taken and today date is fixed for evidence before the Court below. At this present stage and circumstance, this revision petition cannot be allowed and as such, the same is dismissed.

Accordingly, stay if any, stands vacated, Pending application(s), if any stands closed.

CHIEF JUSTICE (ACTING)

suhanjit



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