

28.09.2020

Item no. 6

Ct. No.19

CHC

**C.R.R. No.3153 of 2019  
(Via Video Conference)**

In Re:- An application under Section 482 read with Section 401 of the Code of Criminal Procedure in connection with Complaint Case No.1628C of 2015 dated 26<sup>th</sup> November, 2015 under Sections 448/387/506 of the Indian Penal Code.

And

In the matter of:-

Kamal Kumar Dutta

... Petitioner

Mr. Sunil Kumar Chakraborty,

Mr. Ayan Bhattacharya,

Mr. Barnamoy Basak,

Mr. Sumitava Chakraborty

... for the petitioner

Ms. Koyeli Bhattacharyya

...for the opposite party

The instant revisional application is for quashing of a proceeding in connection with a Complaint Case No.1628C of 2015 under Sections 448/387/506 of the Indian Penal Code now pending before the Learned 6<sup>th</sup> Judicial Magistrate at Howrah.

According to learned advocate for the petitioner there is a tenancy dispute between the parties which has led to give birth to the instant case. The court below issued process in this case, rejecting the prayer under Section 156(3) Cr.P.C. and the case record is going through the stage of collection of evidence at the before charge stage.

Drawing attention of the Court to the xerox copy of the order dated 20.2.2018 passed by the trial court, learned advocate for

the petitioner submits that petitioner has already filed a petition under Section 245 (2) Cr.P.C praying for discharge, but till date the same petition has not been disposed of causing serious prejudice to the right of the petitioner/accused available under the Code of Criminal Procedure.

Learned advocate, Ms. Koyeli Bhattacharyya appearing for the private opposite party submits that the cross-examination of P.W.1 (Before Charge) has been completed and within a short period of time, other witnesses proposed to be examined will be tendered for evidence (Before Charge).

Since a prayer for discharge under Section 245 (2) Cr.P.C. is pending for hearing, this Court find reasons to dispose of the revisional application directing the court below to dispose of the petition for discharge under Section 245(2) Cr.P.C. in an expeditious manner at the appropriate stage under the Code of Criminal Procedure providing sufficient opportunity of hearing to either of the parties to this case.

With this direction/observation, the revisional application stands disposed of.

**(Subhasis Dasgupta, J.)**

