

Sr. 28
27-07-2021
Subha.
Court no. 34

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION
APPELLATE SIDE
(Via Video Conference)**

CRR 301 of 2012

In Re : **Soma Bhattacharya**

.....Petitioner.

In the matter of : An application under Section 482 of the
Code of Criminal Procedure.

Mr. Arijit Ganguly
Mr. Sandip Chakraborty

....for the State.

Report submitted by the Officer-in-Charge,
Belghoria Police Station through the learned advocate
appearing for the State be kept with the record.

Record reflects that the learned Judicial Magistrate,
4th Court, Barrackpore by an order dated 03-09-2011 was
pleased to propose for framing of charge under Section
498A/406 of the Indian Penal Code read with Sections 3 & 4 of
the Dowry Prohibition Act so far as the one of the accused is
concerned and so far as present petitioner is concerned
charges were proposed to be framed under Section 323/114 of
the Indian Penal Code.

It is reflected from the records that on completion of investigation, chargesheet was submitted under Sections 498A/406/307/114 of the Indian Penal Code against the present petitioner.

Record also reflects that although the case was initiated in the year 2003 but the next date has been fixed on 27th July, 2022 for execution return of warrant of arrest against the accused persons by the learned Judicial Magistrate, 4th Court, Barrackpore.

Having regard to the fact that the case is almost more than 18 years old and the same is still pending for process before the jurisdictional court, I am of the view that the learned Magistrate should take resort to the harsher process of law and pass necessary directions compelling the appearance of the accused on the next date i.e., 27th July, 2022. To that effect the learned Magistrate will be at liberty to take the assistance of the Barrackpore Police Commissionerate.

The present revisional application do not call for any interference as the issues which have been canvassed herein are related to question of facts which cannot be adjudicated by this court in an application under Section 482 of the Code of Criminal Procedure.

As such, the present revisional application being CRR 301 of 2012 is dismissed.

All pending applications, if any, are consequently disposed of.

Interim order, if any, is hereby vacated.

All parties are to act on the server copy of this order duly downloaded from the official website of this court.

(Tirthankar Ghosh, J.)