

17.06.2021

Item No.2
Ct.No.34
dc.

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION**

C.R.R. 1625 of 1989
(Via Video Conference)

Shri Amarendranath Halder & Ors.
versus
Saktipada Ghosh & Anr.

In Re: An Application under Section 401 read with Section 482 of the Code of Criminal Procedure.

Mr. Abhra Mukherjee ... For the Petitioners.

Mr. Swapan Banerjee,
Mr. Suman De ... For the State.

Mr. Mukherjee, learned advocate appearing for the petitioners submits that the present case arising out of G.R. Case No. 915/83 corresponding to Mandirbazar P.S. Case No. 5 dated 11.7.83 under Sections 147/448/380/354 of the Indian Penal Code was registered for investigation and the police authorities on completion of investigation submitted charge-sheet. The learned court being the Judicial Magistrate, 1st Class, 3rd Court, Diamond Harbour was pleased to frame charges under Sections 147/448/380 of the Indian Penal Code. Being aggrieved by such order of framing charges, the petitioners approached this Hon'ble Court which was rejected. Aggrieved by such order of rejection, the petitioners approached the Hon'ble Supreme Court. However, the same was withdrawn and liberty was granted by the Hon'ble Supreme Court to agitate the points before the High Court. The petitioners thereafter moved revisional application being Criminal Revision No. 2 of 1985 before this Court

wherein by an order dated 22.05.1986, the revisional application was disposed of and liberty was granted to the learned Magistrate to consider if any compromise has been effected in the proceedings.

This revisional application was preferred in the year 1989 and by an order dated 19.9.1989, the revisional application was admitted with interim order being passed regarding stay of further proceeding pending the hearing of the application. From time to time the revisional application appeared before different Courts, but I find that lastly, the petitioner no.1 appeared in person on 21.01.2019.

Having regard to the contents of the revisional application and the documents which have been enclosed, the only point which I find is the time period when the offence was committed. Record reflects that incident happened on 29.05.1983. However, it is the petitioners who are responsible for the delay. I do not find any scope to interfere with the revisional application. As such, the same is dismissed.

Accordingly, CRR 1625 of 1989 is dismissed without any order as to costs.

Interim order, if any, is hereby vacated and the learned Magistrate is directed to proceed with the case.

All parties shall act on the server copy of this order duly downloaded from the official *website* of this Court.

(Tirthankar Ghosh, J.)