

02.03.2021
s.das
Ct. No. 42
31

CRR 455 of 2021
(Via Video Conference)

In the matter of : An application under Section 482 of the Code of Criminal Procedure, 1973.

And

In the matter of : Pritiman Mitra & Ors. petitioners

Mr. Kunal Ganguly
..... for the petitioners

Mr. Madhusudan Sur, learned APP
Mr. Manoranjan Mahata
..... for the State

Affidavit-of-service filed by the learned Counsel appearing for the petitioners be kept on record.

This is an application for quashing of a proceeding connected with G.R. Case No. 5173 of 2011, under Sections 342/427/186 of the Indian Penal Code, now pending before the learned Judicial Magistrate, 4th Court at Howrah (Sadar).

The prime thrust in this revisional application is against the delay caused in the conclusion of the trial.

Learned Counsel, representing the petitioners, submits that the petitioners have been falsely implicated in connection with this case, the offence of which was admittedly held on 23rd September, 2011. The accused persons were, thereafter, confronted with charge so as to go ahead with the trial. Such exercise was

completed on 12th May, 2014. Thereafter not a single witness, out of nine charge-sheeted witnesses, has been examined. Showing the delay in the progress of trial, it is principally contended, that delay in progress of the trial has unnecessarily put the petitioners to suffer undue hardship.

Learned Counsel, representing the State, submits that trial of this case should be expeditiously conducted, unless there is explainable difficulties in the conduct of trial of this case.

It is not the position, that there is no Presiding Officer posted in the concerned learned court below. Though quashing of the proceeding has been proposed taking the ground of delay together with other points, but the Court is of the view that the same may be best adjudicated by the learned Court below upon collection of evidence, to be adduced by either of the parties to this case during the trial. Besides delay, all other points connected with proposed quashing, as raised by the petitioners are, thus, left open for adjudication by the learned court below at the appropriate stage of the trial. If such points are raised by the petitioners, the same shall be decided in accordance with the provisions of the law providing sufficient opportunity of hearing to either of the parties to this case.

Since ten years have already elapsed in this case from the date of registration of the offence, a direction is, thus, obligatory for arriving at the logical conclusion of this case.

Learned court below is directed to expeditiously dispose of the case preferably within December, 2021, making perfect

utilisation of the dates fixed for collection of evidence taking support and co-operation from either of the parties to this case, without granting unnecessary adjournment, unless the same is which is extremely unavoidable.

It is clarified also that while scheduling the dates for conclusion of the evidence, the learned court below shall sincerely endeavour to give short dates, so that the trial could be expeditiously concluded.

Accordingly, this revisional application is disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties on completion of usual formalities.

(Subhasis Dasgupta, J.)