

09-04-2021

KB
Item No.84
Court No.42

C.R.R 610 of 2021

Tapan Kumar Putatunda & Anr.

-vs-

The State of West Bengal & Anr.

Mr. Abhijit Ganguly

... For the Petitioner.

Mr. S. G. Mukherji
Md. Anwar Hossain

... For the State.

Mr. Kallol Mondal
Mr. Soumya Nag

...For the O.P. No.2.

The Court is approached under Section 482 Cr.P.C. praying for quashing of a proceeding being ACGR 7234 of 2012 under Sections 387/451/120B of the Indian Penal Code now pending before the Learned Judicial Magistrate 2nd Court, Alipore.

Learned advocate Mr. Abhijit Ganguly representing the petitioner submits that there has been inordinate delay caused in conducting the trial of this case in connection with an occurrence, held in 2012.

It is strenuously submitted by the learned advocate for the petitioner that in this case there has been three directions passed by the three different coordinate Benches of this Court in connection with three revisional applications, being CRR 2962 of 2015, CRR 687 of 2017 and CRR 2079 of 2019, and in spite of receiving appropriate directions from the High Court as many as on three occasions, the learned Court below has mechanically proceeded without sincerely making any effort to conclude the trial within a reasonable period of

time.

A report was called for to know about the status of the pending cases from the Presiding Officer of the learned Court below, before whom the case is pending, through the Learned Registrar (Judicial Service) attached to this Court. The report is submitted and the same be taken on record.

It appears from the report that the Presiding Officer of this Court took charge of the Court on 6th January, 2021 and the next date is fixed on 18th March, 2021.

Be that as it may, this is a Magisterial triable case and in the meantime ten years have elapsed. The charge has already been framed in 2016 and till date one witness/de facto complainant has been examined.

Mr. Mukherji, Learned Public Prosecutor submits that when in this case there has already been a direction passed in CRR 687 of 2017 directing the trial Court to conduct the trial allowing the mandate of Section 309 Cr.P.C. upon resorting to all necessary measures for attendance of the witnesses and conclude the same at an early date preferably within one year from the date of communication of this order without granting unnecessary adjournment to either of the parties, the same should be reinforced in letter and spirit without making any departure by the Lower Court below.

The Court believes and trust confidence upon the learned Court below that the trial will be finished within a period of one year collecting evidence of the witnesses upon resorting to all necessary

measures as available under Section 309 Cr.P.C.

This direction should be construed to mean mandatory and peremptorily.

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

Urgent photostat certified copy of this order, if applied for, be supplied to the parties on compliance of necessary formalities.

(Subhasis Dasgupta, J)