

20.01.2021
Item no.1
Ct. No.42
CHC

**C.R.R. No.872 of 2020
(Via Video Conference)**

In Re: An application under Section 483 of the Code of Criminal Procedure, 1973.

In the matter of:-

Alorita Das @ Alolika Das
.....petitioner

Mr. Anindya Ghosh,
Mr. Pronojit Roy
... for the petitioner

Mr. Saswata Gopal Mukherji, Ld. P.P.
Mr. Arijit Ganguly
...for the State

This is an application under Section 483 Cr.P.C. soliciting a direction for expeditious disposal of Harishchandrapur Police Station Case No.546 of 2016 dated 03.09.2016 pending before learned Additional Chief Judicial Magistrate, Chanchal, Malda under Sections 143/341/324/326/379/307/120B/34 with adding Section 304 of the Indian Penal Code.

Learned advocate for the petitioner, Mr. Anindya Ghosh submits that in this case charge-sheet was submitted on 13th February, 2017 against 17 (seventeenth) accused persons, out of which seven (7) are now on bail, and rests are absconding.

Mr. Ganguly, learned advocate representing the State produces the status report as to the delay caused in the learned

court below, through the Learned Registrar (Judicial Service), High Court, Calcutta. The same be kept on record.

Petitioner happens to be the de facto complainant in this case, on whose complaint investigation ended in charge-sheet under Section 304 I.P.C. with other incidental offences.

Learned advocate for the petitioner contends that there has been much delay in the commencement of the trial, and this should be considered by the Court bearing in mind the alleged occurrence held, sometime in 2016.

Upon perusal of the report, it appears that some of the accused persons are still absconding and against whom process has not been exhausted so as to commit the case to the court of sessions. It appears further from the report that the learned Magistrate has joined the Court on 24th December, 2020 after enjoying child care leave.

Mr. Ganguly, learned advocate for the State submits that due to the intervention of the COVID-19, there has been much disturbance in the ordinary functioning of the Court which has to be kept in mind, if any direction for expeditious disposal is recorded in this case.

Admittedly, the charge could not be framed against the accused persons exhausting the process.

Having considered the rival submission of the parties and bearing in mind the impact of COVID-19 the revisional application may be disposed of, to subserve the purpose of justice, as proposed to obtained by passing the following direction.

Learned Judicial Magistrate concerned of the court below is directed to exhaust the process against the absconding accused persons adhering to the procedure incorporated in Sections 81 to 83 of the Cr.P.C. and commit the case to the court of sessions expeditiously as possible aiming at ensuring expeditious disposal of the pending case.

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

Urgent Xerox certified copy of this order, if applied for, be supplied to the parties, subject to compliance with all requisite formalities.

(Subhasis Dasgupta, J.)