

11.01.2021
Item no.4
Ct. No.42
CHC

C.R.R. No.944 of 2020

In Re: An application under Article 227 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973.

In the matter of:-

Joydeb Ghorui
.....petitioner

Mr. Ritwik Pattanayek
... for the petitioner

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

This revisional application under Article 227 of the Constitution of India is to secure a direction permitting expeditious disposal of a pending case arising out of Asansol (South) Police Station Case No.197 of 2014 dated 31st May, 2014 under Sections 406/409/34 of the Indian Penal Code now pending before the Learned Chief Judicial Magistrate, Asansol.

A report from the Registry was called for. The Learned District Judge, Paschim Burdwan through the Registrar (Judicial Service) has already furnished the report.

Learned advocate for the petitioner submits that the only innocuous prayer of the petitioner is for expeditious disposal of the pending case.

Learned advocate, Mr. Ganguly representing the State submits that since there was a prayer for reconstruction of the report, there was some delay caused in the commencement of the trial.

It appears from the report of the Learned District Judge, Paschim Burdwan that the prayer for reconstruction was previously made sometime in 21st November, 2016 before the bifurcation of the district. The bifurcation of the district Burdwan came into effect on 10th September, 2018. The formal order from the High Court approving the reconstruction appears to be not available to the concerned newly created district of Paschim Burdwan. The charge-sheet has admittedly been submitted and the concerned Chief Judicial Magistrate was of the view that reconstruction of the record did not appear to be urgent need of the situation in view of the fact that photo copy of the charge-sheet was there in the record coupled with damaged original charge-sheet.

Learned advocate representing the petitioner does not dispute with the photocopy of charge-sheet, as it stands to proceed with trial. Since the formal prayer approving reconstruction from the end of High Court is wanting in this case, which may however, be renewed immediately by the concerned District Judge within a fortnight, if the same does not reach in the meantime.

Upon receipt of a formal order from the High Court approving reconstruction, the trial court is directed to proceed with the trial in an expeditious manner.

Send a copy of this order to the learned District Judge, Paschim Burdwan through the department concerned requiring the District Judge to initiate a formal prayer, if necessary by renewing the earlier prayer addressed to the Learned Registrar (Judicial Service), High Court, Calcutta for reconstruction of the record. The Court makes it clear that such exercise on the part of concerned Ld. District Judge will only be invited, if no such order from High Court approving reconstruction is reached in the meantime.

Learned advocate for the petitioner is also further directed to communicate the order to the concerned learned Trial Magistrate, Paschim Burdwan for taking appropriate steps.

With this direction, the instant criminal 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.)

