

Sr. 13
16-08-2021
Subha.
Court no. 34

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION
APPELLATE SIDE
(Via Video Conference)**

CRR 833 of 2012

In the matter of : Ashok Kumar GuptaPetitioner.

In Re : An application under Section 482 of the Code of Criminal Procedure.

The revisional application has been preferred against the quashing of the proceeding relating to Case No. C-9679 of 2011(T. R. No. 757 of 2011) under Sections 420/406/120B of the Indian Penal Code pending before the learned Judicial Magistrate, 5th Court, Alipore.

Records reflect that the petitioner approached this court at a stage when the learned Magistrate on being satisfied with the initial deposition of the allegations made in the complaint was pleased to issue process. The accused filed an application before the learned court below under Section 205 of the Code of Criminal Procedure praying for exemption from appearance and the accused were directed to first appear and take bail otherwise their prayer under Section 205 Cr. P.C would not be considered.

Records also reflect that initially there was an interim order passed on 17th April, 2012 for a period of four

weeks. Thereafter, the interim order of stay was extended till 29th November, 2012. On 18th April, 2013, the impugned order was extended till two weeks after the summer vacation of the said year and lastly on 1st April, 2014, the interim order was extended for a period of eight weeks. However, from July, 2014 the interim order was never extended. As the petitioner approached this court at a stage when a process was issued, I am of the view that the complainant should be allowed to adduce its evidence before charge. So far as the appearance of the petitioner is concerned, the learned Magistrate would be at liberty to exempt his personal appearance on the day-to-day proceedings if a proper affidavit to the said effect is filed before the court. At this stage, no interference is called for so far as the merits of the complaint is concerned considering the stage at which the petitioner has appeared before the court.

Accordingly, the present revisional application being CRR 833 of 2012 is dismissed.

All pending applications, if any, are consequently disposed of.

Interim order, if any, is hereby vacated.

All parties are to act on the server copy of this order duly downloaded from the official website of this court.

(Tirthankar Ghosh, J.)