

D/L 30.
September
6, 2021
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C.R.R. No.987 of 2012
(Via Video Conference)

In Re: An application under Sections 397/401 read with Section 482 of
the Code of Criminal Procedure, 1973.

Santi Paul and Ors.
Versus
The State of West Bengal & Anr.

Mr. Subir Ganguly,
Mr. Sumanta Ganguly.
...for the petitioners.

Mr. Arijit Ganguly,
Mr. Sanjib Kr. Dan.
...for the State.

Mr. Subir Ganguly, learned advocate appearing for the
petitioners submits that the petitioner no.1, namely, Santi Paul, has
expired during the pendency of the revisional application on 9th
June, 2017.

The photostat copy relating to death certificate filed by
the petitioners be kept with the record.

Learned advocate for the petitioners further submits that
so far as the allegations against the petitioner nos.3, 4 and 5 are
concerned, who are the wife, daughter and son of the said deceased
Santi Paul, prima facie no case has been made out against them in
the charge-sheet for continuation of the proceedings.

Mr. Sanjib Kr. Dan, learned advocate appearing for the
State submitted a report as also the case diary.

Let the report be kept with the record.

On perusal of the letter of complaint, which was addressed by the defacto complainant to the concerned officer of Sankrail Police Station, I find that there are allegations by the defacto complainant against all the petitioners. Records of the revisional application also reflects that charge-sheet was filed in the year 2010 under Sections 498A/323/34 of the Indian Penal Code. The report which has been submitted by the concerned officer of Sankrail Police Station reflects that charge was framed on 6th January, 2012.

Having regard to the materials which are appearing in the case diary as also the documents which have been relied under Section 207 of the Code of Criminal Procedure, I am of the view that it would be premature to interfere after the charge has been framed by the jurisdictional court.

I find that there was no interim order for the last six years. However, the trial of the case has not progressed. Accordingly, the learned Magistrate, 4th Court, Howrah, who is in seisin of the proceedings, is directed to first assess whether one of the accused Santi Paul has expired or not and thereafter close the case against him. It has also been pointed out to this court that the next date of hearing is fixed on 22nd February, 2022. The learned Magistrate would fix at least three days in a month for appearance of the witnesses and if by 22nd February, 2023, the witnesses do not appear, the learned trial court would take proceed to the next stage of the proceedings under Sections 313 of the Code of Criminal Procedure and spell out its verdict by 30th June, 2023.

With the aforesaid observations, CRR 987 of 2012 is disposed of.

Pending application, if any, is consequently disposed of.

Interim order, if any, is hereby vacated.

The learned Magistrate is directed to strictly adhere to the schedule referred to above.

The learned Magistrate is directed to act on the server copy of this order.

(Tirthankar Ghosh, J.)