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November
8, 2021
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C.R.R. No.1446 of 2011
(Via Video Conference)

In Re: An application under Section 482 of the Code of Criminal
Procedure, 1973.

Debasis Ghose @ Debasish Ghosh
Versus
The State of West Bengal & Anr.

Mr. Sourav Chatterjee,
Mr. Soumya Nag.
...for the petitioner.

Learned advocate appearing for the petitioner submits
certified copies of the orders passed by the learned Judicial
Magistrate, 9th Court, Alipore in connection with Complaint Case
No.2456 of 2010. Let the same be kept with the record.

Order-sheets reflect that for a number of dates, the
complainant was not taking any steps before the learned Judicial
Magistrate and, as such, by an order dated 7.7.2017, learned
Magistrate was pleased to dismiss the case for non-prosecution. The
order further reflects that in spite of repeated calls, none appeared
on behalf of the complainant.

Having regard to the reasons so assigned by the learned
Magistrate, I am of the view that the order so passed is within the
ambit of Section 256 of the Code of Criminal Procedure and, as
such, until and unless the complainant approaches the higher
forum, the case would be dismissed and the petitioners are to be
discharged.

In view of the aforesaid, no order need be passed as the main complaint is not surviving as on date.

With the aforesaid observations, CRR 1446 of 2011 is disposed of.

Pending application, if any, is consequently disposed of.

The Department is directed to communicate this order to the learned Judicial Magistrate, 9th Court, Alipore forthwith.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Tirthankar Ghosh, J.)