

CRR 1707 of 2021

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

In the matter of : **Abhijit Karmakar & Anr.**

..... petitioners

**Mr. Arun Naskar
Mr. Samarendra Dutta
Ms. Sandhya Das Adhikary
Mr. Soudip Ghosh**

.....For the petitioners

**Ms. Sukanya Bhattacharyya
Mr. Mirza Firoz Ahmed Begg**

.....For the State

Liberty is granted to the learned advocate-on-record for the petitioners to correct the cause title.

Ms. Sukanya Bhattacharyya, learned advocate, who normally appears on behalf of the State, is requested to appear in this case. Let her appointment be regularized.

The petitioners seek to quash the instant criminal proceeding being G.R. Case No. 2149 of 2015 pending before the learned 2nd Judicial Magistrate, Barrackpore. Charge sheet in this case has been filed by the investigating agency under Sections 498A/406 of the Indian Penal Code, 1860.

Learned advocate for the petitioners submits that the F.I.R. was registered following an order passed by the learned Magistrate in the Court under Section 156(3) of the Code of Criminal Procedure, 1973, and the condition precedent for making the application, i.e., informing the higher police authority with regard to the refusal to register the F.I.R. by the relevant police station was not complied with.

The trial is going on and the case is at the evidence stage.

At this juncture, it is not permissible for the petitioners to challenge the propriety of the order of the learned Magistrate following which the relevant F.I.R. was registered.

It has, however, been pointed out that the petitioner no. 2 is a cancer patient and she is aged about 66 years.

The petitioner no. 2 will be at liberty to make an appropriate application before the learned Magistrate in the Court below under Sections 205/317 of the Code of Criminal Procedure, 1973.

Since the case was registered in the year 2015, I dispose of this revisional application with a direction upon the learned Magistrate in the Court below to make an endeavour to conclude the trial as early as possible, preferably within a period of one year from date.

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

(Kausik Chanda, J.)