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September
8, 2021
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C.R.R. No.1863 of 2012
(Via Video Conference)

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

Doli Biswas
Versus
The State of West Bengal

Mr. Bidyut Kumar Ray,
Ms. Manisha Sharma.
...for the State.

As none appears on behalf of the State, Mr. Bidyut Kumar Ray, learned advocate, is directed to appear and assist the Court. His appointment may be regularised by the concerned authorities.

The revisional application was preferred challenging the order dated 12.04.2012 passed by the learned ACJM, Kalyani, Nadia in connection with Chakdaha Police Station Case No.169 of 2012 dated 26.03.2012 under Section 498A/34 of the Indian Penal Code.

On perusal of the order, it is reflected that the learned Magistrate rejected the prayer of the defacto complainant for further investigation. According to the learned Magistrate, as all the accused have been implicated, there is no scope for direction for further investigation. The learned Magistrate should have considered in a wider range while arriving at such conclusion.

Having regard to the fact that more than nine years have

expired since the order which has been passed and the records of the revisional application reflect that the revisional application has not been admitted till date, I think that interference at this stage may prejudice the course of the proceedings before the learned Magistrate.

In view of the observations made above, CRR 1863 of 2012 is dismissed.

Pending application, if any, is consequently disposed of.

Interim order, if any, is hereby vacated.

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

(Tirthankar Ghosh, J.)