

Sr.18
18-08-2021
Subha.
Court no. 34

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

CRR 3063 of 2016

In the matter of : **Prafulla Kumar Mondal**petitioner.

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

Mr. R. I. Sardar

.....for the petitioner.

Mr. Imran Ali
Ms. Debjani Sahu

...for the State.

Learned advocate for the petitioner/de facto complainant submits that the case was instituted in the year 2012 and till date there has been no progress in the trial for some of the accused persons absconding in connection with the instant case.

Earlier, a co-ordinate Bench of this court by an order dated 9th January, 2020 directed the Howrah Police Commissionerate to submit a report before this court. Today, when the matter has been taken up for hearing, Mr. Imran Ali, learned advocate for the State has submitted a report before this court. Let it be kept with the record.

Record reflects that two of the accused persons are absconding and in spite of several raids, they could not be apprehended and on a subsequent prayer, the learned Magistrate has been pleased to issue the order of proclamation and attachment.

Be that as it may, the learned Magistrate should appreciate that the de facto complainant cannot be without any remedy before a court of law.

In view of the fact that the chargesheet has been filed against several accused persons, the learned Magistrate should segregate the trial, split up the same and proceed with the case.

As the case was initiated in the year 2012 and more than nine years have elapsed in the meantime, I direct that the learned Magistrate would adhere to the provisions of Section 309 of the Code of Criminal Procedure and take the case to its logical conclusion within a reasonable period of time.

With the aforesaid observations, the present revisional application being CRR 3063 of 2016 is partly allowed.

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.)