

18.06.2021

ks.

Ct. 34, sl.21

CRR 3270 of 2012

Srinath Ram

vs

State of West Bengal & Anr.

The present revisional application relates to the continuance of M.P. Case No.609 of 2011, which was pending before the learned Executive Magistrate, Sealdah.

The revisional application appeared on 18.09.2012, 25.03.2013 and lastly on 10.4.2013. The order sheets so enclosed along with the revisional application reflect that no Police report was submitted before the learned Executive Magistrate till 7th June, 2012. However, a Police report dated 13.8.2012 has been enclosed along with the present revisional application. The Police report prima facie, reveals that there was a tenancy dispute and the Police authorities were unable to substantiate any apprehension of breach of peace or danger to public life.

In view of the passage of time, which has elapsed in the meantime, I am of the view that the main proceedings being under Section 107 of the Code of Criminal Procedure where a statutory period has been prescribed for continuance of proceeding has become infructuous as more than ten years have passed since the initiation of the case and I am of the view that by efflux of time, the same has lost its force and is not sustainable both within the parameters of law and the background of the facts stated in the application under Section

107 of the Code of Criminal Procedure. As such, no interference is called for.

Accordingly, CRR 3270 of 2012 is dismissed but without any order as to costs. All connected applications, if any, are disposed of.

All parties are to act on the server copies of this order downloaded from the official website of this court.

(Tirthankar Ghosh, J.)