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August
24, 2021
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C.R.R. No.3740 of 2018
(Via Video Conference)

In Re: A petition under Section 482 of the Code of Criminal Procedure,
1973.

Soumya Basu
Versus
The State of West Bengal and Anr.

Mr. Ayan Bhattacharjee,
Mr. Shubhojyoti Dutta,
Mr. Apalak Basu.
...for the petitioner.

Mr. Milon Mukherjee,
Mr. Rahul Ganguly,
Mr. A. Bhattacharya.
...for the opposite party no.2.

The petition/complaint which has been filed by the present petitioner before the learned court below reflects that the process was issued against five accused persons. So far as the issue which has been challenged, the same refers to an order of dispensation with the personal appearance of the accused no.2 before the learned Magistrate in the day-to-day proceedings. The enclosed documents reflect that the accused no.1 happens to be the husband of the accused no.2. The said accused no.1 is regularly appearing before the learned jurisdictional court. The accused no.2 being a lady and having various ailments, the learned Magistrate thought it fit and proper to allow the application under Section 205 of the Code of Criminal Procedure subject to certain terms and conditions as set out by the learned Magistrate.

Mr. Bhattacharjee, learned advocate appearing for the

petitioner criticises the orders so passed by the learned Magistrate as also the learned Chief Judge, City Sessions Court, Calcutta regarding dispensing with the personal appearance of the accused no.2 in the petition/complaint.

I have perused the application under Section 205 of the Code of Criminal Procedure and the reasons assigned by the learned Magistrate as well as the learned Chief Judge, City Sessions Court, Calcutta.

Having regard to the nature of the proceedings which is primarily based on documents, I am of the view that there is no illegality committed in the orders which have been challenged before this Court. Needless to state that the other accused persons who are appearing before the court would continue to appear until and unless on a particular date the learned Magistrate thinks that the case can be proceeded in their absence.

The learned Magistrate is directed to proceed with the case and bring the same to its logical conclusion within a reasonable period of time.

With the aforesaid observations, CRR 3740 of 2018 is disposed of.

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.)

