

CRR 1725 of 2020

**Kishore Brata Ghosh
Vs.
Suddhochit Banerjee & Anr.**

**Mr. Bimalendu Das
.....For the Petitioner
Mr. Bivas Chatterjee
.....For the State**

The impugned order dated 14th October, 2020 passed by learned 7th Judicial Magistrate, Alipore in connection with ACGR No. 12789 of 2012 granting adjournment on the prayer of the defence/ accused for further argument is the subject of challenge in this revisional application.

The case on cyber crime was instituted long before. There has already been commencement of the trial framing charge against the accused persons upon receiving chargesheet in accordance with the provisions of law.

Learned advocate for the petitioner strenuously submits that the manner in which an adjournment has been granted disregarding the previous directions of this court, directing to ensure expeditious disposal of the case, is absolutely illegal and not an encouraging one. Learned advocate for the petitioner represents the victim in connection with the so-called cyber crime case.

Learned Advocate Mr. Bivas Chatterjee representing the State/opposite party submits that prosecution already has concluded its argument after examining the chargesheeted

witnesses. He has also furnished a written argument on 2nd January, 2021. The case is posted in the court below awaiting argument to be advanced by the defence/accused persons.

A report was called for previously by this court to know the availability of the other learned Magistrates in the Station. In course of hearing it could be revealed that the learned court conducting the trial has already been transferred and the new incumbent succeeding the previous learned Magistrate though joined, but now the Presiding Officer of that court is on maternity leave. The report of the District Judge concerned, as submitted through the learned Registrar (Judicial Service) of this Court is very significant to reveal that presently there are three other Magistrates also available in the Station, who are shown in the report.

The situation as it stands is that even after closure of the prosecution case, for some unknown reasons the logical conclusion of the case is getting delayed, which needs to be taken care of exercising the authority of the court under Section 482, Cr. P. C., though no specific application to that effect has been filed.

When there has been specific direction passed by this court in connection with CRR 1839 of 2019 and CRR 3226 of 2019 for expeditious disposal of pending case, the court finds sufficient reasons to transfer the case from the court below, to which it is pending, to the court of learned Judicial Magistrate, 2nd Court, Alipore, for the said court being reported to be

available at this moment.

Learned Sessions Judge, 24 Parganas, at Alipore is directed to withdraw the case no. ACGR 12789 of 2012 from the court of 7th Judicial Magistrate, Alipore and transfer it to the court of learned Judicial Magistrate, 7th Court with 15 days from the date of communication of this order

Learned advocate for the petitioner is directed to make communication of this order to learned Sessions Judge, South 24 Parganas as well as the learned Magistrate in-charge of 7th Judicial Magistrate, Alipore for giving effect to the order.

Since there has already been delay to duly address the grievance expressed by the petitioner victim, let there be a direction upon the learned transferee Magistrate court to conclude the case upon hearing both sides within two months from the date of receipt of the case record, providing sufficient opportunity of hearing to either of the parties to this case. Upon receipt of the case record from the learned Magistrate of the 7th court, Alipore, Learned transferee Magistrate court is directed to inform both the parties to hear out the case, and fix the date of hearing within the time so stipulated and conclude the case taking cooperation of either of the parties to this case.

With these directions and observations CRR 1725 of 2020 is disposed of.

Learned court below is directed to act on the server copy of this order.

Urgent Xerox certified copy of this order, if applied for, be

supplied to the parties, subject to compliance with all requisite formalities.

(Subhasis Dasgupta, J.)