

CRR 579 of 2020

In the matter of : Salim Ahmed

.....Petitioner

Mr. Subhadeep Ghosh

...for the petitioner

Md. Anwar Hossain

Ms. Manisha Sharma

...for the State

Status report so submitted by the learned advocate for the State, be kept with the record.

The present revisional application has been preferred for expeditious trial pending before the learned Metropolitan Magistrate, 9th Court, Kolkata in connection with G.R. case no. 1397 of 2015 arising out of Park Street Police Station case no. 225 of 2015 dated 20.6.2015 punishable under Section 406/420/120B of the Indian Penal Code.

It has been contended by the petitioner that necessary direction may be passed to the learned trial court for implementation of the order dated 27.3.2017 passed in connection with CRR 967 of 2017 and order dated 8.4.2019 in connection with CRR 424 of 2018 and order dated 26.9.2019 in connection with CRR 2659 of 2019 passed by the Hon'ble High Court and to complete the proceeding pending before the court of the learned Metropolitan Magistrate, 9th Court, Kolkata in a time bound manner.

The investigating officer was directed to file status report and officer-in-charge, Park Street police station has submitted a status report today before the court which goes to show that the

complainant of this case has filed Naraji petition before the Chief Metropolitan Magistrate, Calcutta which is fixed for hearing on 22.8.2022.

Learned advocate for the petitioner submits that he filed Naraji petition only on the ground that Section 409 of the Indian Penal Code should be added with the charge sheet and charge should be framed under Section 409 of the Indian Penal Code along with Section 406/420/120B of the Indian Penal Code.

Learned advocate for the State submits that the charge sheet submitted on 16.1.2016 and he has filed the Naraji petition which is pending for hearing in the year 2021 and now he is praying for adding Section 409 of the Indian Penal Code which is not tenable in the eye of law.

Having considered the aforesaid facts of the case that the matter is pending since long, I am of the view that if a direction for expeditious disposal of the case is passed neither party will have a cause to prejudice. Accordingly CRR 579 of 2020 is disposed of with a direction that the trial court will hear and dispose of the Naraji petition filed by the complainant along with any other pending application within a period of 15 days from the date of the receipt of the order and he will fix the date for hearing of the charge within a period of 15 days thereafter positively and shall make every endeavour to dispose of the G.R. 1397 of 2015, preferably within a period of six months thereafter.

However, it would be kept open for the petitioner to agitate the issue of adding of Section 409 of the Indian Penal Code before the trial court at the time of hearing of the charge in the presence of both the parties.

Accordingly, CRR 579 of 2020 is disposed of.

Urgent photostat certified copy of this order, duly applied for, be given to the parties upon compliance of all requisite formalities.

(Ajoy Kumar Mukherjee, J.)