

03-03-2022
Subha
Item-01
Ct -.34

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction
(Via video-conference)

C.R.R 425 of 2019

In Re: An application under Section 482 of the Code of Criminal Procedure filed for quashing of the proceedings being Special Case No. 417 of 2016 arising out of Dholahat P.S.Case No. 316 of 2013 dated 02.09.2013 under Sections 354/506 of the Indian Penal Code and Section 10 of the POCSO Act, 2102 pending before the learned Judge, Special Court & 2nd Additional Sessions Judge, Alipore, South 24 parganas.

In the matter of : ***Sri Samares Mondal***

...Petitioner.

Mr. Mrintyunjoy Chatterjee
Mr. Partha Sarathi Mondal

.....for the Petitioner.

Mr. S. G. Mukherji, Id. PP
Mr. Anand Keshari
Mr. Pratick Bose

...for the State.

The record reflects that the chargesheet has been filed before the jurisdictional court on 2nd March, 2022 pursuant to the directions passed by this court. It was submitted by the learned Public Prosecutor, High Court, Calcutta that the Investigating Officer of the case handed over the necessary documents relating to the case diary and chargesheet to the Office of the learned Public Prosecutor, High Court, Calcutta and the same was never pursued before the special court.

Mr. Chatterjee, learned advocate for the petitioner

submits that the present chargesheet has been filed beyond the statutory period and as such, the petitioner is entitled to benefit of the same.

On the other hand, Mr. Mukherji, learned Public Prosecutor submits that the chargesheet was prepared and ready in the year 2014. It is only at a different place the chargesheet was submitted for being presented before the jurisdictional special court although the same was within statutory period. The orders which have been placed before this court, prima facie, do not reflect that any application of the accused is pending for exhausting his statutory rights. The learned special court would consider the records of the case and dispose of the application if the same is pending in the records of the case.

In view of the lapse in the systematic filing of the chargesheet before the jurisdictional court, I direct the learned special court to take steps in view of the delay which has occurred in the meantime so that the trial of the case can be taken to its logical conclusion.

With the aforesaid observations and findings the revisional application being CRR 425 of 2019 is disposed of.

Learned Registrar(Judicial Service), High Court, Calcutta is directed to communicate this order to the learned special court for taking necessary action.

All pending applications, if any, in connection with the revisional application, are consequently disposed of.

Interim order, if any, is hereby vacated.

All concerned parties are to act in terms of a website copy of this order duly downloaded from the official website of this court.

(Tirthankar Ghosh, J.)

