

22.02.2022

Item No.61
Ct.No.34
dc.

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION**

C.R.R. 673 of 2020
(Via Video Conference)

Ajit Kumar Bera & Ors.
versus
The State of West Bengal & Anr.

In Re: An Application under Section 482 of the Code of Criminal Procedure, 1973 filed for quashing of the proceedings being C.R.No. 232 of 1980 under Sections 148/447/395/397/412/506(2)/504 of the Indian Penal Code, 1860 pending before the learned Additional Chief Judicial Magistrate, Arambagh, Hooghly.

Mr. Tapas Kumar Ghosh,
Mr. Tanmay Chowdhury ... For the Petitioner.

Mr. Sudip Ghosh,
Mr. Apurba Kumar Datta ... For the State.

Affidavit-of-service filed in Court today be kept on record.

The present revisional application has been preferred challenging the proceedings arising out of C.R.No. 232 of 1980 under Sections 148/447/395/397/412/506(2)/504 of the Indian Penal Code pending before the learned Additional Chief Judicial Magistrate, Arambagh, Hooghly.

I have perused the petition of complaint wherein the subject matter relates to dispute between the villagers and forcefully snatching away the agricultural produce. Having regard to the fact that the case was initiated in the year 1980 and till date charge could not be framed, I am of the opinion that further continuance of the proceedings would be an abuse of the process of the Code which is bound to cause

miscarriage of justice. There is no reason to continue a proceeding for 42 years.

Having regard to the subject matter of the case, the age of the present accused after lapse of 42 years and the manner in which the proceedings have progressed before the learned trial court, further continuance of the proceedings relating to C.R. Case No. 232 of 1980 is hereby quashed. Consequently, all orders passed therein are hereby quashed.

Accordingly, the revisional application being CRR 673 of 2020 is allowed.

Interim order, if any, is hereby made absolute.

All pending connected applications, if any, are consequently disposed of.

All parties shall act on the server copy of this order duly downloaded from the official *website* of this Court.

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

(Tirthankar Ghosh, J.)