

Court No.
39
Item 21
Ssi

02.05.
2022

C.R.R. 1200 of 2022

In the matter of:- **Uttam Bhakta & ors.**

(via video conference)

Mr. Sabir Ahmed
Mr. Bhaskar Hutait
Mr. Mujibar Ali Naskar
Mr. Shraman Sarkar
Mr. Apan Saha
...for the petitioners
Mr. Bidyut Roy
Ms. Sujata Saha
...for the State

This is an application for quashing of a proceeding in which a charge-sheet was submitted under Section 498A of the Indian Penal Code. The petitioner no.1 is the husband of the opposite party no.2/defacto-complainant.

Let a copy of this application be served upon Mr. Bidyut Roy and Ms. Sujata Das learned advocates, who are present in Court today and who ordinarily appears on behalf of the State. Their engagement may be regularised in due course by the competent authority of the State.

Learned counsel appearing on behalf of the petitioners submits as follows. The couple in question got married in 2019, since they were having difficulty in conceiving, the wife was staying at her matrimonial

home for some time so as to avail of the facility of IVF. The petitioner no.1 was bearing all the expenses for the tests. The present FIR was lodged in 2014. Thereafter, the wife filed an application under Section 9 of the Hindu Marriage Act for restitution of conjugal rights. The husband made counter-claim for divorce on the ground of cruelty. In 2019, the divorce was granted. In the instant case, no evidence was recorded since 2017. No prima facie case is made out as would be evident from a plain reading of the First Information Report and the charge-sheet. In the alternative, the trial may be directed to be expedited.

Learned counsel for the State submits as follows. A prima facie case is made out. However, there is some delay caused in conducting the trial before the learned trial Court.

I have heard the submissions of the learned counsels appearing on behalf of the petitioners and the State and have perused the revision petition.

The grounds taken up by the petitioners essentially relate to disputes in questions of fact and the matter is pending at the stage of evidence. That is why this Court would not like to interfere with the proceeding.

However, it appears that there is an inordinate delay caused in conducting the trial. In view of the

above, a direction needs to be passed to expedite the proceeding.

No prejudice will be caused to anyone if a direction is passed in respect of the alternative prayer for expediting the proceeding.

In the interest of justice, I request the learned trial Court to conclude the proceeding as expeditiously as possible without granting any unnecessary adjournment to any of the parties, preferably within a period of one year from the next date of hearing.

Since affidavits have not been called for or even a notice was not directed to be served upon the private opposite party, allegations are not admitted.

The petitioners shall be at liberty to raise all the points taken up in this application before the learned trial Court during trial.

With these observations, the revisional application is disposed of.

Urgent photostat certified copies of this order may be delivered to the learned Advocates for the parties, if applied for, upon compliance of all formalities.

(Jay Sengupta, J.)