

28.11.2022
S/L No.31
KS

C.R.R. 1499 of 2021
Anirban Basu
-Vs.-
The State of West Bengal & Anr.

Mr. Sourav Chatterjee
Mr. P. K. Dutt
Mr. S. K. Dutt
Mr. A. Bhattacharya
.....For the Petitioner
Mr. Sudip Ghosh
Mr. Bitasok Banerjee
.....For the State
Mr. C. Fernandez
Mr. A. Basu
.....For the O. P. No.2

Mr. Chatterjee, learned advocate appearing for the petitioner prays for quashing of the proceedings as well as ventilate his grievances regarding the time period which has elapsed and his entitlement to the benefit under Section 167(5) of the Code of Criminal Procedure.

Mr. Ghosh, learned advocate appearing for the State produces the Case Diary and submits that the investigating authorities are at a stage when it is very difficult to come to a final opinion in view of the seized materials being misplaced.

Mr. Apalak Basu, learned advocate appearing for the private opposite party no.2/ de facto complainant submits that he has been without any remedy although the case was instituted in the year 2013 and has suffered the wrath of the petitioner.

Having regard to the time period which has elapsed, since, the initiation of the case that is on 25th July, 2013 and more than nine and half years having passed, on a prudent assessment, I find that since the investigating agency has failed to conclude the investigation within a reasonable period of time and has delayed the proceedings for about nine and half years and is still searching the exhibit materials in respect of which opinion from experts are sought to be obtained, I do not think that any useful purpose would be served by allowing the Investigating Agency to continue in respect of New Township Police Station Case No.140/2013 dated 25.07.2013.

Accordingly, all further proceedings arising out of New Township Police Station Case No.140/2013 corresponding to G.R. Case No.1517 of 2013 are hereby quashed.

Accordingly, C.R.R. 1499 of 2021 is allowed.

Pending applications, if any, are consequently disposed of.

Having regard to the plight of the complainant who approached the State agency with the hope for relief, I am also of the opinion that the complainant cannot be left without any remedy in the circumstances when the police authorities have failed to grant him a relief under the criminal law. As such, the complainant if so advised, would be at liberty to approach the Jurisdictional Court under Section 200 of the Code of Criminal procedure. The available materials with the State agencies be handed over to the complainant as and when called for or prayed for under a proper receipt.

The Learned A.C.J.M., Durgapur, Paschim Bardhaman, if required, would direct the Commissionerate, Durgapur to give assistance to the complainant, in case, the reports are sought for from the State Forensic Laboratory or the Central Forensic Science Laboratory in respect of the complainant to establish its case prior to issuance of process. It is made clear that the aforesaid liberty is an opportunity granted to the complainant and the Learned Magistrate would independently consider whether the further proceedings pursuant to the complaint being filed would be dealt with under Section 203 or Section 204 of the Code of Criminal Procedure,

The Memo of Evidence filed in Court be kept with the record.

The Investigating Officer of the case is present in Court. His further appearance before this Court is dispensed with.

All parties are directed to act on the server copy of this order downloaded from the official website of this Hon'ble Court.

(Tirthankar Ghosh, J.)