

Form J(2)

**IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction
Appellate Side**

**Present :
The Hon'ble Justice Bibek Chaudhuri**

C.R.R. 1997 of 2022

**Arindam Maitra
Vs.
The State of West Bengal & Anr.**

**For the petitioner : Mr. Avik Ghatak, Adv.
Mr. Fahad Imam, Adv.**

**For the State : Ms. Faria Hossain, Adv.
Mr. Anand Keshari, Adv.**

Heard on : 24.06.2022

Judgment On : 24.06.2022.

Bibek Chaudhuri, J.

Considering the prayer made by the petitioner and on perusal of the materials on record, this Court is of the view that the instant criminal revision can be disposed of without the requirement of service of notice. On the basis of a complaint made by the opposite party No.2, a case under Sections 498A/406/34 of the Indian Penal Code was registered in Muchipara Police Station vide FIR No.110 dated 14th March, 2013. Subsequently charge-sheet was filed on 30th August, 2013. The case was then transferred to the Court of the

learned Additional Chief Metropolitan Magistrate-I, Calcutta for trial and disposal. In the charge-sheet there are in all 8 witnesses. Charge was framed against the accused on 23rd April, 2018. Subsequently during this four years, the learned Trial Court could not even conclude the cross-examination of P.W.1.

This is an unfortunate state of affair for blatant denial of fundamental right of life and liberty of the petitioner and the Trial Court cannot avoid its responsibility in denial of fundamental right of an accused.

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Under such circumstances, the learned Magistrate is directed to conclude the hearing of this case and deliver judgment positively within six months from the date of communication of this order, failing which this Court is compelled to initiate suo moto proceeding under Article 226 of the Constitution against the learned Additional Chief Metropolitan Magistrate-I, Calcutta being a state functionary for denial of the most valuable fundamental right of the petitioner.

The petitioner is at liberty to communicate server copy of this order to the learned Court below and the Court shall act on the server copy of the order, if required, the Court shall prepone the date of trial after giving notice to the parties through the Officer-in-Charge of the Muchipara Police Station. No notice is required to be served upon the

accused/petitioner as he is before this Court through his learned Advocate.

(Bibek Chaudhuri, J.)