

IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION
APPELLATE SIDE

The Hon'ble **JUSTICE BIBEK CHAUDHURI**

CRR 2465 of 2022

Sri Biswarup Paine & Anr.

-Vs-

The State of West Bengal & Anr.

For the Petitioners: Mr. Biswarup Paine (in person),

For the State: Mr. Madhusudan Sur
Mr. Dipankar Paramanick

Heard on: 14th December, 2022.

Judgment on: 14th December, 2022.

BIBEK CHAUDHURI, J. : –

1. This is an application for expeditious disposal of G.R. Case No. 1329 of 2018 arising out of Rishra Police Station Case No. 82 of 2018 dated 14th June, 2018 under Section 325/ 354(b)/ 379/ 386/ 406/ 506/ 120(b)/ 34 of the Indian Penal Code presently pending before the learned Judicial Magistrate, 5th Court at Serampore.

2. On perusal of averment made in the instant revision and having heard the learned Advocate for the petitioners this Court is of the view that the instant revision can be disposed of here and now with the assistance of the learned Advocate for the state. Accordingly, Mr.

Madhusudan Sur and Mr. Dipankar Paramanick learned Advocates are requested to assist this Court on behalf of the state. Appointment of Mr. Madhusudan Sur and Mr. Dipankar Paramanick learned advocates be regularized by the learned Legal Remembrancer, Government of West Bengal.

3. It is submitted by the learned advocate for the petitioners that the case was initiated on the basis of an application under section 156(3) of the Cr.P.C. filed by the opposite party before the Court of the Learned ACJM at Serampore. Pursuant to the direction of the said Learned Court, Rishra Police Station registered an FIR against the petitioners being no. 82 of 2018 dated 14th June, 2018. On receiving notice under Section 41A of Cr.p.c., the petitioners moved an application for anticipatory bail being no. CRM No. 4840 of 2018 before this Hon'ble Court and on 16th July, 2018. Anticipatory bail was granted in favour of the petitioners. The above case was filed as revenge against the petitioners as the petitioner no. 2 was constrained to file a Writ Petition being W.P. No. 6384(w) of 2018 before this court for demolition of illegal construction raised by the opposite party. After completion of investigation chargesheet was submitted on 31st July, 2018 under Sections 325/ 354(b)/ 379/ 386/ 406/ 506/ 120(b)/ 34 of the IPC. Thereafter the case was transferred to the Learned Judicial Magistrate, 5th Court at Serampore and Charge was framed on 18th January, 2021 fixing 10th March, 2021 for evidence. Out of 7 prosecution witnesses only one witness i.e. the opposite party no. 2 was examined. Despite service of summons the other prosecution witnesses

are absent intentionally and the learned Court below is not taking any appropriate step to ensure their attendance and expedite the trial. The next date was fixed on 19.07.2022 for evidence.

4. Under such circumstances, petitioners have prayed for expeditious disposal of the case.

5. In view of such circumstances, the instant revision is disposed of directing the trial court to conclude the trial within April, 2023 and dispose of the above mentioned case as expeditiously as possible within May 2023.

6. With the above direction the instant revision is disposed of.

(Bibek Chaudhuri, J.)