

Form J(2)

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

Present :

The Hon'ble Justice Bibek Chaudhuri

C.R.R. 2622 of 2000

With

**IA NO. CRAN 1 of 2000 (Old No. CRAN 1055 of 2000), CRAN 2
of 2002 (Old No. CRAN 422 of 2002), CRAN 3 of
2003 (Old No. CRAN 987 of 2003)**

Prabir Chatterjee

Vs.

The State of West Bengal & Anr.

**For the Appellant : Mr. Rajdeep Majumder, Adv.
Mr. Mayukh Mukherjee, Adv.
Ms. Aishwarya Bazaz, Adv.**

**For the State : Mr. Binay Panda, A.P.P.
Ms. Puspita Saha, Adv.**

Heard on : 19.04.2022

Judgment On : 19.04.2022

Bibek Chaudhuri, J.

The instant revision has a chequered history. It also demonstrates that how pendency of a criminal proceeding before the High Court for about 22 years incurred hardship of the accused/petitioner.

The petitioner came up before this Court by filing an application under Section 482 of the Code of Criminal Procedure on 29th September, 2000 challenging an order dated 4th June, 1999, passed by the Judicial Magistrate, 1st Court at Alipore taking cognizance of offence under Sections 420/406 of the Indian Penal Code on the basis of charge sheet No.102 dated 16th March, 1999.

The dispute appears to be a fight between the intending purchaser and the seller of a flat on the allegation made by the *de facto* complainant/opposite party No.2 that the petitioner in spite of acceptance of consideration money did not transfer a flat constructed by him as a Promoter. On the basis of such complaint, police registered Behala Police Station Case No.704 dated 18th September, 1998 and charge-sheet was submitted on 16th March, 1999 under Section 420/406 of the Indian Penal Code.

The petitioner subsequently filed a supplementary affidavit on 11th March, 2022 stating, *inter alia*, that the flat in question was transferred to the *de facto* complainant by registered deed of sale dated 25th August, 2006. The *de facto* complainant took possession of the flat, mutated his name in respect of the said flat, appointed a licensee/tenant in the said flat and has been enjoying the flat as apartment owner thereof. But the instant revision is pending as the Court did not find any time to list the matter for hearing. In the

meantime, the order or stay granted by this Court on 25th September, 2002 was vacated. Warrant of arrest was issued against the accused/petitioner and subsequently by an order dated 7th March, 2022, the execution of warrant of arrest was stayed by a Coordinate Bench of this Court.

The bone of contention between the parties is about transfer of a flat by the petitioner in favour of the opposite party No.2. Series of notices were served upon opposite party No.2 but he has not appeared presumably because after receiving possession of the flat in question he has lost interest about this case.

Since the dispute between the parties is no longer subsistence, this Court proposes to dispose of the instant revisional application quashing the charge sheet filed against the petitioner. Both the learned advocates for the petitioner and the Public Prosecutor-in-Charge have agreed to the proposal.

For the reasons stated above, charge sheet No.102 dated 16th March, 1999 under Sections 420/406 of the IPC (BGR No.4467 of 1998) is quashed. With the above order, the instant revisional application is disposed of. With the disposal of the instant revision, all connected applications are treated to be disposed of.

Warrant of arrest issued against the petitioner be quashed.

(Bibek Chaudhuri, J.)