

27-09-2022
Subha
Item no.100

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

CRR 2283 of 2021

Ct no.34

Abdul Rakib Sekh @ Abdul Rakib Sekh @ Abdul Rakib Sk. @ Rakib Sk. @ Rakhib Sk. & Ors.

**-versus-
State of West Bengal & Anr.**

Re : An application under Section 482 of the Code of Criminal Procedure.

Mr. Biswajit Hazra
Mr. Archisman Sain

...for the Petitioners.

Mr. Jyoti Prakash Chatterjee

.....for the opposite party no.2.

Mr. Arijit Ganguly
Mr. Sanjib Kumar Dan

....for the State.

Affidavit of service filed by the petitioners be kept with the record.

Mr. Hazra, learned advocate appearing for the petitioners challenges the continuance of the proceedings before the learned Magistrate.

Mr. Chatterjee, learned advocate appears on behalf of the private opposite party no.2.

Mr. Sanjib Kumar Dan, learned advocate appears on behalf of the State.

Petitioners approached this court for quashing of the proceedings including the chargesheet which was submitted in connection with Kalna P. S. Case No. 343 of 2017.

Record of this revisional application reflects that on 16th July, 2018, the learned Judicial Magistrate, 2nd Court, Kalna framed charge against the present petitioners and fixed examination of CSW-1 on 1st November, 2018 for evidence.

The present revisional application was filed in the year 2021 more than three

years after the charge was framed by the learned trial court.

Having regard to the period of time which has elapsed, I am of the opinion that at a belated stage, the legality and/or maintainability of the charges cannot be dealt with by this court. As such, the prayer for quashing is refused.

So far as the other anxiety expressed by the learned advocate for the petitioners regarding the witnesses being reluctant to approach the court and depose in support of the chargesheet, I direct that the Officer-in-Charge, Kalna P. S will engage a lady officer who would assist CSW – 1, the complainant lady in understanding the outcome for continuous non-appearance before the trial court. There are five witnesses, who are independent and two police witnesses so cited in the chargesheet. The learned trial court would fix one date in every three months so that the trial of the case can be taken to its logical conclusion within a reasonable period of time.

With the aforesaid observations, the revisional application being CRR 2283 of 2021 is disposed of.

Pending applications, if any, are consequently disposed of.

All concerned parties are to act in terms of a copy of this order duly downloaded from the official website of this court.

[Tirthankar Ghosh, J]

