

**27.01.2022**

Item No.12  
Ct.No.34  
dc.

**IN THE HIGH COURT AT CALCUTTA  
CRIMINAL REVISIONAL JURISDICTION**

**C.R.R. 2546 of 2019  
with  
CRAN 1 of 2019 (Old No. CRAN 4026 of 2019)  
(Via Video Conference)**

**Khokan Ghosh  
versus  
The State of West Bengal & Anr.**

**In Re:** An Application under Section 482 of the Code of Criminal Procedure.

Mr. Tapan Datta Gupta,  
Mr. Parvej Anam ... For the Petitioner.

Mr. S. G. Mukherjee, Ld. P.P.,  
Mr. Sandip Chakraborty ... For the State.

Ms. Patakasree Roy ... For the Opposite Party No.2.

Mr. Tapan Datta Gupta, learned advocate appears on behalf of the petitioner and Ms. Patakasree Roy, learned advocate appears on behalf of the opposite party no.2. Both of them have submitted that there has been compromise between the parties.

Mr. Mukherjee, learned Public Prosecutor appears on behalf of the State and hands over case diary as also memo of evidence prepared by the concerned Officer of Bhatar Police Station.

On perusal of the case diary, I find that there are allegations under Sections 435 and 436 of the Indian Penal Code. Having regard to the nature of allegations, I am of the opinion that mere affidavit of compromise is not sufficient and the Court cannot allow, in this type of offences, to

terminate the proceedings on compromise as the facts reveal serious breach of law and order. Accordingly, CRAN 1 of 2019 (Old No. CRAN 4026 of 2019) is dismissed.

It has been submitted that the case is pending since 2011 and the report reflects that one Madhusudan Ghosh is absconding. Having regard to the fact that more than ten years the case is pending, the learned Magistrate is directed to segregate the case and take steps for expediting the progress of the same so that within a reasonable period of time, the trial of the case can be taken to its logical conclusion.

The Memo of Evidence so submitted be kept with the record.

Case diary be returned to the learned Public Prosecutor.

With the aforesaid observations, the revisional application being CRR 2546 of 2019 is disposed of.

Interim order, if any, is hereby vacated.

All pending connected applications, if any, are consequently disposed of.

All parties shall act on the server copy of this order duly downloaded from the official *website* of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

**(Tirthankar Ghosh, J.)**