

23.06.2022
Item no. 08
Court No.38.
S.De.

C.R.R. 3293 of 2011

In the matter of : Nakul Bhattacharjee.

.....Petitioner.

Mr. Arun Kr. Maiti,
Ms. Kaberi Sepgupa,
Mr. Rishieraj Mohanty,

.....for the Petitioner.

Mr. N.P. Agarwal,
Ms. Suruchi Saha,

.....for the State.

Let the photocopy of Deposition filed by learned advocate for the petitioner be kept with the records.

Learned advocate on behalf of the petitioner as well as the State appear.

The present criminal revisional application is filed by the petitioner under Section 482 of the Code of Criminal Procedure, 1973 to pray for an order of this Court quashing the proceedings being Airport P.S. Case No.67 dated 09.03.2010 (connected G.R. No. 729 of 2010) under Sections 420/506/509 of the Indian Penal Code) pending in the Court of the learned Additional Chief Judicial Magistrate at Barrackpore, Dist. North 24-Parganas.

The learned advocate for the petitioner submits that taking cognizance of the prayer of the opposite party no.2 under Section 156 Clause 3 by the learned Court below was erroneous in so far as his allegations in the Court below may, at best, could invoke the jurisdiction of a Civil Court and the dispute he wanted to agitate in a Criminal Court was obviously civil in nature.

It is submitted further that the prayer of the respondent no.2 was allowed by the Court and directions were made under Section 156 Clause 3 of the Code of Criminal Procedure. Hence, a specific police case was started as mentioned above. This is the subject matter and grounds of challenge in this revisional case by the petitioner.

Mr. Agarwal, learned advocate represents the State. His appointment may be regularized.

It is learnt that twelve years have elapsed from the date of filing of the instant revision application, the Trial Court has proceeded with the trial of the case and it is practically on the verge of completion. Hence, the grounds of this case, have practically become infructuous.

Learned advocate on behalf of the petitioner seeks that an order be passed for expeditious disposal of the trial.

In view of the fact that the present petitioner is an octogenarian person, and the submissions and the facts and circumstances of the case, prompt to find it proper to direct the learned Trial Court to make an endeavour to dispose of

the trial of the case as expeditiously as possible keeping a balance between that the petitioner is an octogenarian person and also according to diary of the learned trial Court.

With these directions, the present criminal revisional application being C.R.R. 3293 of 2011 is disposed of.

Let a copy of this order be communicated to the concerned Court below where the trial is presently pending.

Urgent certified photostat copy of this order, if applied for, shall be given to the parties as expeditiously as possible on compliance with all the necessary formalities.

[Rai Chattopadhyay, J.]