

Form J(1)

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

**Present :
The Hon'ble Justice Bibek Chaudhuri**

CRR 3373 of 2022

**Rita Banerjee
Vs.
The State of West Bengal & Anr.**

**For the petitioner : Ms. Anita Kaunda, Adv.,
Mr. Anubrata Dutta, Adv.**

Judgement on : 20.12.2022.

Bibek Chaudhuri, J.

This is an application under Article 227 of the Constitution of India read with Section 482 of the Code of Criminal Procedure filed by the accused no. 1 praying for expeditious hearing and disposal of BGR Case No. 5720/2014 pending before the learned Judicial Magistrate, 9th Court at Alipore arising out of Basanti Police Station Case No. 525 dated 21st November, 2014 under Sections 406/417/419/420/120B/506/34 of the Indian Penal Code.

It is submitted that in connection with the aforementioned case Police submitted charge-sheet on 29th August, 2016 before the learned Chief Judicial Magistrate at Alipore. The learned Chief Judicial Magistrate, Alipore took cognizance of offence and transferred the case record to the learned Judicial Magistrate, 9th Court at Alipore on 29th November, 2018 for trial and disposal. Subsequently, the learned

Magistrate fixed 4th March, 2022, 11th May, 2022, 28th June, 2022 for evidence. However, prosecution failed to produce any witness or till date no witness on behalf of the prosecution has been examined.

It is submitted by the learned Advocate for the petitioner that there are only four witnesses to be examined as per the charge-sheet. The learned Magistrate did not find time to examine the said witnesses and the trial against accused persons is being protracted for last six years.

The instant revision is disposed of directing the learned Magistrate, 9th Court, Alipore to take positive step for recording evidence for the prosecution and examine all charge-sheeted witnesses within six months from the date of communication of this order. Thereafter, the learned Magistrate shall proceed with examination of the accused persons under Section 313 of the Code of Criminal Procedure, examination of defence witness, if any and delivery of judgement within one month from the date of recording evidence of the witnesses on behalf of the prosecution.

The petitioner is at liberty to communicate server copy of this order to the Court below for information and compliance.

(Bibek Chaudhuri, J.)

Srimanta, A.R.(Ct.)
Item No. 24.