

IN THE HIGH COURT AT CALCUTTA  
CRIMINAL REVISIONAL JURISDICTION  
APPELLATE SIDE

The Hon'ble **JUSTICE BIBEK CHAUDHURI**

**CRR 3376 of 2022**

**Abhijit Mukherjee**  
**-Vs-**  
**The State of West Bengal & Anr.**

For the Petitioner: Mr. P.K Bhattacharyay, Adv.,

For the State: Mr. Prasun Dutta, Adv.,  
Mr. Subrata Roy, Adv.

Heard on: 14 December, 2022

Judgment on: 14 December, 2022.

**BIBEK CHAUDHURI, J. : –**

1. This is an application filed by the petitioner praying for a direction upon the trial court for expeditious disposal of the Special Case No.4 of 2018 arising out of Madhabdihi P.S Case No.101 of 2014 dated 10<sup>th</sup> September, 2014 under Sections 409/467/468/469/471/419/420 of the IPC pending before the learned Special Judge, 1<sup>st</sup> Court at Burdwan.

2. It is submitted by the petitioner that he was appointed in the post of lower division clerk at Madhabdihi Block Primary Health Centre within Raina-II Block, Purba Bardhaman. Subsequently, he was transferred to the office of the Chief Medical Officer of Health (CMOH), Purba Bardhaman with effect from 11<sup>th</sup> August, 2014. Subsequent to his transfer the Block Medical Officer of Health, Madhabdihi B.P.H.C

discovered certain irregularities in preparation of salary bill in COSA software during the period between 01.07.2009 and 11.08.2014. The Block Medical Officer of Health lodged a complaint against the petitioner in the jurisdictional Police Station on 10<sup>th</sup> September, 2014 and he was arrested on 11<sup>th</sup> September, 2014 in connection with the said case. Subsequently, he was placed under suspension by the competent authority with effect from the date of his arrest. Police submitted charge-sheet before the learned Chief Judicial Magistrate, Purba Bardhaman on 16<sup>th</sup> February, 2016 and subsequently the case was committed to the court of the learned Special Judge on the ground that the offence under Section 409 of the IPC is exclusively triable by the Court of Sessions.

3. The said case is pending since 2016 and under such circumstances the petitioner has prayed for a direction upon the trial court for expeditious disposal of the case.

4. Having heard the learned Advocate for the petitioner and on careful perusal of the materials on record, this Court is of the view that the instant revision can be disposed of here and now with the assistance of learned Public Prosecutor-in-Charge. Therefore, Mr. Prasun Dutta and Mr. Subrata Roy be appointed as the Public Prosecutor-in-Charge to assist this Court. Appointment of the learned Public Prosecutor-in-charge be regularized by the Legal Remembrancer, Government of West Bengal.

5. It appears from the record that the special case was registered as Case No.4 of 2018. More than four years have elapsed but the learned Special Judge failed to conclude the hearing of the case. Under such

circumstances, it is high time to direct the learned Special Judge, 1<sup>st</sup> Court at Burdwan to take positive step for examination of all the witnesses within six months from the date of communication of this order. The learned trial judge is further directed to come to a logical end of the aforesaid case within one month thereafter.

6. The instant revision is, thus, disposed of.
7. The petitioner is at liberty to act on the server copy of this order.

**(Bibek Chaudhuri, J.)**