

17.03.2022  
Item no.14.  
Court No.40.  
AB

**CRR No.2693 of 2013**

In Re: An Application under Section 482 of the Code of Criminal Procedure, 1973.

And

**In the matter of : Sujoy Bhattacharya**

**.....Petitioner.**

Mr. Satadru Lahiri,  
Mr. Safdar Azam                      ...for the Petitioner.

Mr. P.K. Dutta, ld. APP,  
Mr. N. P. Agarwal,  
Mr. S. Roy                               ....for the State.

This is a case for quashing of Complaint Case No. C.R. 507 of 2011 under Section 323 of the Indian Penal Code, 1860 pending before the learned Additional Chief Judicial Magistrate, Durgapur, Burdwan.

After the process had been issued, the petitioner/accused approached this Court by filing this revisional application for quashing of the said proceeding. It was submitted on behalf of the petitioner that the complainant/opposite party no.2 in this case had died during pendency of this application.

A report was called for from the State. The report of the State suggests that the complainant, during pendency of this

application, died on May 7, 2022, at his residence. No application for substitution has been filed by the legal heirs of the complainant in terms of Section 302 of the Code of Criminal Procedure, 1973. [See: (2006) 5 SCC 530 (*Balasaheb K. Thackeray v. Venkat*).

The accused/petitioner is entitled to be acquitted in view of the provisions of Section 256(2) of the Code of Criminal Procedure, 1973.

I see no justification in continuation of the complaint case before the learned Magistrate.

Accordingly, the petitioner stands acquitted from the case being Complaint Case No.507 of 2011 under Section 323 of the Indian Penal Code pending before the learned Additional Chief Judicial Magistrate, Durgapur, Burdwan.

The petitioner may be discharged from the bail bond furnished by him before the learned Magistrate in the Court below.

Report filed by the State be kept with the record.

C.R.R. No.2693 of 2013 is, accordingly, disposed of.

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

**(Kausik Chanda, J.)**

