

09.09.2022

Item No.34

Ct.No.2

dc.

**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
CRIMINAL REVISIONAL JURISDICTION**

C.R.R. 11 of 2022

**Sukhen Thakur & Ors.
versus
The State of West Bengal & Anr.**

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

Mr. Anirban Banerjee ... For the Petitioners.

Mr. Aditi Shankar Chakraborty,
Mr. Arun Kumar Sarkar,
Mr. Abhijit Sarkar ... For the State.

Mr. Pawan Kumar Gupta,
Mr. Sudhindra Das ... For the Opposite Party No.2.

Petitioners are aggrieved by the manner in which the proceedings are progressing in connection with Dinhata Police Station Case No. 260 of 2011 dated 26.04.2011 under Section 498A of the Indian Penal Code.

Learned advocate appearing for the petitioners submits that the case was registered in the year 2011. Charge-sheet was submitted in the year 2011. Subsequently charges were also framed, but till date, only the evidence of PW-1 is complete.

Charge-sheet reflects that there are nine witnesses including the PW-1. Having regard to the fact that for the last ten years the petitioners have been attending the court, I direct the learned Chief Judicial Magistrate, Cooch Behar that in case an application under Section 205 of the Code of Criminal Procedure is filed with an undertaking that

whenever the court calls or requires physical attendance of the petitioners, the petitioners shall make themselves available, the learned trial court would, on an appropriate undertaking, allow the application under Section 205 of the Code of Criminal Procedure of the present petitioners viz. 1. Sukhen Thakur, 2. Itu @ Indu Thakur, 3. Saswati Thakur and 4. Abesh Chakraborty.

The learned trial court will not insist on the personal appearance of the petitioners in day-to-day proceedings and the petitioners would also undertake that they will never challenge their physical identification or will not take up an issue before the appellate court that they have been prejudiced because the evidence was recorded in their absence.

The learned trial court is also directed to fix dates by constituting a schedule consisting of at least two dates for examination of witnesses and such schedule shall be fixed once in three months so that the trial of the case can be concluded within a period of three years.

With the aforesaid observations, the revisional application being CRR 11 of 2022 is disposed of.

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.)