

15.09.2022

Item No.4

Ct.No.2

dc.

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

C.R.R. 124 of 2021

**Ranjan Chakraborty
versus
State of West Bengal & Anr.**

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

Mr. Jaydeep Kanta Bhowmik ... For the Petitioner.

Mr. Aditi Shankar Chakraborty,
Mr. Aniruddha Biswas ... For the State.

This revisional application was preferred for quashing of the proceedings arising out of Bhaktinagar Police Station Case No. 986 of 2013 dated 09.05.2013 under Sections 498A/494 of the Indian Penal Code.

It is contended that there has been divorce between the husband and the wife and as such, continuation of the proceedings is unwarranted. Consequent to the same, the Inspector-in-Charge, Bhaktinagar Police Station was directed to submit report after recording the statement of the complainant. Compliance report submitted by Inspector-in-Charge, Bhaktinagar Police Station be kept on record.

The said report reflects that the *de facto* complainant intends to pursue the litigation and does not intend to withdraw the case arising out of matrimonial discord.

However, there is another grievance of the petitioner that charge-sheet has not been submitted.

Mr. Biswas, learned advocate appearing for the State submits the report which reflect that charge-sheet dated 30.11.2013 was filed in connection with Bhaktinagar Police Station Case No. 986 of 2013 dated 09.05.2013.

Mr. Bhowmik, learned advocate appearing for the petitioner submits that if the charge-sheet has already been submitted, as to why the cognizance till date has not been taken by the learned Chief Judicial Magistrate, Jalpaiguri and there were regular orders being passed for report to be submitted by the Investigating Officer of the case.

The learned Chief Judicial Magistrate, Jalpaiguri is directed to enquire into the same and find out as to whether the charge-sheet was filed on 30.11.2013. In case, the same was filed, why the cognizance was not taken within a reasonable period of time.

Needless to state that more than 9 years have passed since the case was registered for investigation and there was no monitoring as to why the charge-sheet was not placed before the court for the last 9 years.

In view of the aforesaid, the learned Chief Judicial Magistrate, Jalpaiguri is directed to exercise utmost caution in respect of matters wherein charge-sheet is not filed for more than three years.

Having regard to the fact that there was a lapse between the court officials for not presenting the record before the learned Chief Judicial Magistrate, Jalpaiguri, an

opportunity is granted to the prosecution to place its case on the next date so fixed by the court.

The learned Chief Judicial Magistrate, Jalpaiguri is directed to prepone the date of the present case and fix a date in the last week of September 2022 for the purposes of appearance of the accused persons and to check up whether the materials placed by the prosecution constituted offences for taking cognizance.

The learned Registrar, Circuit Bench at Jalpaiguri, High Court, Calcutta is directed to communicate this order to the learned Chief Judicial Magistrate, Jalpaiguri preferably by 19.09.2022 and the learned Chief Judicial Magistrate, Jalpaiguri is directed to act in accordance with the directions stated above.

With the aforesaid directions, the revisional application being CRR 124 of 2021 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.)