

Form J(1)

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

Present :

The Hon'ble Justice Bibek Chaudhuri

C.R.R. 383 of 2023

Gouranga Biswas & Ors.

Vs.

State of West Bengal & Anr.

**For the petitioners : Mr. Tapan Datta Gupta, Adv.
Ms. Parvej Anam, Adv.
Mr. Nilanjan Sarkar, Adv.**

For O.P.No.2 : Mr. Bikash Kumar Roy, Adv.

Heard on : 27.04.2023.

Judgment On : 27.04.2023.

Bibek Chaudhuri, J.

The petitioner have approached this Court for quashment of further proceeding in connection with A.C.G.R Case No.6812 of 2016 arising out of Garfa P.S Case No.391 of 2016 dated 30th November, 2016 under Sections 323/324/114 of the Indian Penal Code pending before the Court of learned Judicial Magistrate, 4th Court at Alipore.

It appears from the materials on record that the original case record of A.C.G.R Case No.6812 of 2016 is not traceable. The learned Judicial Magistrate, 4th Court passed an order dated 7th January, 2023 that the record of A.C.G.R Case No.6812 of 2016 needs to be

reconstructed and for such purpose he has already moved the learned District Judge, 24 Parganas, South for necessary permissions. However, the permission has not been received by the learned Magistrate as yet.

In the absence of the original case record, this Court is not in a position to admit the instant revision.

However, it is found from the record that both the de-facto complainant as well as the accused persons have filed joint petition for compromise before the Trial Court. The learned Court below could not dispose of the said application for want of the original case record.

In view of such circumstances, the learned District Judge, South 24 Parganas at Alipore is requested to pass necessary order on his administrative side on the basis of the order dated 7th January, 2023 passed by the learned Magistrate, 4th court at Alipore in connection with above-mentioned case for reconstruction of the Lower Court Record within three weeks from the date of communication of the order. If within four weeks the record of ACGR-6812 of 2016 is not reconstructed, the learned Magistrate shall open a skeleton record and accept the compromise petition filed by the parties and dispose of the case on the basis of such compromise.

With the above direction, the instant revision is disposed of.

(Bibek Chaudhuri, J.)

**Mithun De/
A.R. (Ct).
SI No.15.**

D/L.