

D/L105
05.07.2023
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C.R.R.414 of 2023

In Re: An application under Section 407/482 of the Code of Criminal Procedure, 1973;

Bibhison Chandra Bera
Versus
State of West Bengal and others

Mr. Rajtilak Ghoshal
Mr. Rameshwar Sinha
Ms. Munmun Mondol.
...for the petitioner.

Mr. Madhusudan Sur
Mr. Manoranjan Mahata.
...for the State.

Petitioner is directed to serve a copy of the revisional application upon Mr. Madhusudan Sur, learned advocate, who ordinarily appears on behalf of the State. His appearance may be regularised by the concerned authorities.

Learned advocate for the petitioner submits that the petitioner at the relevant point of time initiated the case before the court at Alipore but subsequently he shifted to Kharagpur and, as such, the case may be transferred. Learned advocate also submits that the petitioner is more than 80 years and it may be difficult for him to regularly attend the court when the case is fixed. The third submission is that one of the opposite parties/accused persons happens to be an advocate who may influence/disturb the proceedings before the learned trial court.

I have considered the submissions of the learned

advocate appearing for the petitioner and having regard to the fact that the petitioner being the complainant is merely a witness, his compulsory presence in court is not required except for the purposes of evidence.

In view of the aforesaid, I am of the opinion that the transfer at this belated stage would be of no relevance. However, I find that the case was initiated in the year 2011 and almost 12 years have passed and the accused persons have been conveniently evading the process of court. In fact, majority of the orders reflect that most of the accused persons are taking adjournment on the date so fixed and finally warrant of arrest has been issued which are yet to be executed.

Considering the plight of the petitioner, I direct the learned advocate for the State to communicate with the Inspector-in-Charge, Lake Police Station who would take steps for execution of warrant of arrest by 30th July, 2023.

Learned Magistrate would be strict to compel and ensure appearance of all the accused persons. Once the accused persons appear, steps be taken for consideration of charges and take the trial to its logical conclusion within a period of two years from the date of framing of the charges.

With the aforesaid observations, CRR 414 of 2023 is disposed of.

Pending application, if any, is 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 of all requisite formalities.

(Tirthankar Ghosh, J.)