

22.02.2023

Sl. No.: 10

Court No.30
BM

CRR 467 of 2019

Serajul Hoque @ Serajul Sk.

@ Serajur Mondal & Anr.

Vs.

State of West Bengal & Anr.

Mr. Arnab Sengupta

... for the petitioners

Mr. Abhra Mukherjee

Mr. Dipankar Mahata

... for the State

The revisional application is moved by the learned counsel for the petitioners in presence of the learned counsel for the State who has produced a copy of the case diary. In spite of due service there is no representation on behalf of the opposite party no.2 even today.

The petitioner has prayed for quashing of proceeding in GR Case No.1027 of 1990 under Sections 147/148/149/324/323/427 of the IPC. It is the contention of the learned counsel for the petitioners that the case is pending since 1990 and there has been no progress before the trial court and the accused is being prejudiced as there is an abuse of the process of law and court and in the interest of justice the proceeding is required to be quashed.

Learned counsel for the State submits that from the lower court records it will be apparent as to who is responsible for such delay.

On perusal of the case diary, it is found that there are several statements recorded under Section 161 of the Cr.P.C supporting complainant as also seizure list and medical report showing that multiple injuries, sharp cutting injuries and other injuries were sustained by the victims in the instant case.

As such, it is found that there is a prima facie material in the case diary making out a case of cognizable offence against the petitioner and the matter should be decided and adjudicated through trial. Considering the fact that this is a case of the year 1990 the learned Magistrate is directed to make all endeavour through the respective Police Station to dispose of the present case within three months from the date of this order.

The revisional application is accordingly disposed of.

All connected application stands disposed of.

Interim order, if any, stands vacated.

Let a copy of the order be sent to the learned trial court for compliance.

Learned counsel for the State to inform the status of this case to the concerned authority.

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

(Shampa Dutt (Paul), J.)