

Form J(1)

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

**Present :
The Hon'ble Justice Bibek Chaudhuri**

C.R.R. 1054 of 2023

Subhanga Chatterjee & Ors.

Vs.

The State of West Bengal

For the petitioner : Mr. Soumya Basu Roy Chowdhuri, Adv.

For the State : Mr. Manoranjan Mahata, Adv.

Heard on : 03.04.2023.

Judgment On : 03.04.2023.

Bibek Chaudhuri, J.

The petitioner has approached this Court for a direction upon the Trial Court for expeditious disposal of G.R. Case No.9411 of 2018(Old G.R. No.2411 of 2018) pending before the learned Judicial Magistrate, 1st Court at Barrackpore arising out of Nimta Police Station Case No.166 of 2018 dated 29th April, 2018 under Sections 498A/406/120B of the Indian Penal Code and Sections 3 /4 of the Dowry Prohibition Act.

It is submitted by the learned Advocate for the petitioner that the above-mentioned case was registered at Nimta Police Station on 29th April, 2018. The Investigating Officer submitted charge-sheet against the petitioners on 31st August, 2018. After a lapse of three years, the learned Magistrate framed charge against the accused on 29th December, 2021.

There are in all five charge-sheeted witnesses. Till date not a single witness has been examined.

On perusal of the instant revision, this Court is of the view that the instant revision may be disposed of with the assistance of the learned Public Prosecutor-in-Charge. Mr. Manoranjan Mahata, learned Public Prosecutor-in-Charge is requested to assist this Court on behalf of the State. The appointment of Mr. Mahata be regularized by the learned Legal Remembrancer, Government of West Bengal.

It is very unfortunate to note that after framing of charge, approximately one and half years have elapsed but the learned Judicial Magistrate failed to examine even a single witness in the instant case. Unless and until the Trial Court is proactive and takes step for expeditious disposal of the case, there shall be denial of basic fundamental right of speedy delivery of justice.

In view of such circumstances, the learned Judicial Magistrate, 1st Court at Barrackpore is directed to examine the five charge-sheeted witnesses within five months from the date of communication of this order.

The learned Magistrate is further directed to examine the accused after recording evidence on behalf of the prosecution and come to a logical conclusion of the case within one month thereafter.

The application is, thus, disposed of.

(Bibek Chaudhuri, J.)

**Mithun De/
A.R. (Ct).
SI No.153.**

M/L.