

28.04.2023
18
SB
Ct. No.236

CRR 1248 of 2011

In the matter of : Samir Banerjee @ Samir Kumar Banerjee

Mr. B. K. Panda
Mr. Subham Bhakat ... for the State

Perused the office report. Notice could not be served upon the petitioner, as reported, he has not been staying at the given address since last 10-15 years.

None is appearing on behalf of the petitioner.

This revisional application is pending since 2011. Therefore, I do not find any reason to adjourn the case *suo moto*. Rather I am inclined to dispose of the matter on merit based on materials available with the record.

This application under Section 482 of the Code of Criminal Procedure seeks an order of quashment of the proceeding being G.R. Case No. 1330 of 2005 under Sections 379/411/413/414/473/476/34 of the Indian Penal Code read with Section 4(1), Bengal Criminal Law Amendment Act pending before the learned Additional Chief Judicial Magistrate, Barrackpore, arising out of Airport P.S. Case No. 99/05 dated 01.7.2005 and subsequent thereto, on the allegation that the accused persons were dealing in different types of stolen motor vehicles. Police after investigation submitted charge sheet against the accused persons. It is contended that though the petitioner was arrested on 30.9.2005 charge sheet was filed on 15.1.09 well beyond the

period of three years and the same was accepted by the learned Jurisdictional Magistrate ignoring the fact that Investigating Officer in this case failed to comply with the statutory provision of law as laid down under Section 167 (5)(ii) of Cr.P.C. No prayer was made before the learned Jurisdictional Magistrate to extend the time for submitting final report.

Since the learned Jurisdictional Magistrate, after submission of charge sheet was pleased to take cognizance, it is to be presumed that by necessary implication, learned Trial Court has extended the time.

This revisional application is bereft of merit and is dismissed, however, without any order as to costs.

Liberty is given to the petitioner to agitate all points before the learned Trial Court.

Interim order of stay, if any, stands vacated.

Copy of the order be sent to the learned Trial Court for information and necessary action.

(Siddhartha Roy Chowdhury, J.)