

12.09.2023

Item No.21

Ct.No.34

dc.

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION**

C.R.R. 2380 of 2023

with

CRAN 1 of 2023

In the matter of : **Tanmoy Banerjee @ Tanmay Banerjee & Ors.**
... Petitioners.

Mr. Sourav Chatterjee,
Mr. Soumya Nag ... For the Petitioners.

Mr. S. G. Mukherjee, Ld. P.P.,
Mr. Imran Ali,
Ms. Debjani Sahu ... For the State.

Mr. Soumyajit Das Mahapatra,
Ms. Madhurai Sinha ... For the Opposite Party No.2.

Report dated 11.09.2023 submitted by Mr. Imran Ali,
learned advocate appearing for the State be kept on record.

I find that there were charges under Section 354 of the
Indian Penal Code and the same related to one Susmita Dey.
However, presently, according to the police authorities, she is
not traceable. There has been settlement between the parties,
but having regard to the factum of the offences and that the
charge-sheet has been submitted before the jurisdictional
court, at this stage I am not inclined to quash the
proceedings *in limine*.

Since the parties have already arrived at a compromise,
majority of the witnesses may not support the case of the
prosecution at this stage. Accordingly, I direct the learned
Judicial Magistrate, 1st Court, Barasat to prepone the
proceedings of Baguiati Police Station Case No. 233 of 2012
dated 21.03.2012 corresponding to G.R. Case No. 1406 of
2012.

In view of the circumstances, I direct that the date be fixed in the month of December 2023. Learned trial court would fix a date in the third week of December for the stage of consideration of charges. If the learned trial court feels that the charges are to be framed, in that case, let the charges be framed and date of the trial be fixed on and from 15.01.2024. The learned trial court would complete examination of all the witnesses by 15.03.2024. For each of the witnesses, two dates only be fixed and each week, a witness be fixed for examination. In case on the second date, a witness is absent, the learned Magistrate will consider the evidence of the said witness to be closed and proceed with the case and the process under Section 313 of the Code of Criminal Procedure be concluded by 31.03.2024. The learned trial court will be at liberty to pronounce the judgement by 30.04.2024.

With the aforesaid observations, the revisional application being CRR 2380 of 2023 along with the connected application is disposed of.

All concerned 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 with all requisite formalities.

(Tirthankar Ghosh, J.)