

D/L57
29.03.2023
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C.R.R.2108 of 2021

In Re: An application under Sections 397/401 read with Section 482 of the Code of Criminal Procedure, 1973;

Dr. Koushik Roy
Versus
The State of West Bengal and another

Mr. Sourav Chatterjee,
Mr. Bratin Dey,
Mr. A. Goswami,
Mr. Manabendranath Bandyopadhyay.
...for the petitioner.

Mr. Saswata Gopal Mukherjee, Ld.P.P.,
Mr. Arijit Ganguly,
Mr. Sanjib Kr. Dan.
...for the State.

The petitioner is aggrieved by the manner in which the proceedings since 2017 has been progressing before the learned Magistrate. The photostat copies of the order-sheet relied upon by Mr. Chatterjee, learned advocate appearing for the petitioner reflects that notice was issued upon the defacto complainant, but as she is not appearing, the case cannot progress to the next stage.

I find that Liluah Police Station Case No.237 of 2017 dated 12.09.2017 is pending before the learned Chief Judicial Magistrate, Howrah (Sadar).

As it has been informed by the learned advocate appearing for the petitioner that, during the pendency of the proceedings, the defacto complainant, Uttam Chatterjee has expired, thus, the proceedings are stalled at that stage.

Learned Chief Judicial Magistrate, Howrah (Sadar) is directed to call for a report through the Inspector-in-Charge/Officer-in-Charge, Liluah Police Station to ascertain regarding the issues, the death of the defacto complainant. Such report must reach the court within 15 days from the date of communication such order being passed. The case be thereafter committed to the court of sessions after compliance with the formalities under Section 207 of the Code of Criminal Procedure within a period of one month from the said date. Once the case is assigned to a particular sessions court, petitioner would be at liberty to take out an application under Section 227 of the Code of Criminal Procedure and canvass the points which has been agitated in the present revisional application.

With the aforesaid observations, CRR 2108 of 2021 is disposed of.

Pending application, if any, is consequently disposed of.

Case diary be returned to Mr. Arijit Ganguly, learned advocate appearing for the State.

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.)