

18.07.2023

Item No.15
Ct.No.34
dc.

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

C.R.R. 2587 of 2023

In the matter of : **Sajal Kanti Bhattacharya @ Bhattacharyya**
... Petitioner.

Ms. Manaswita Mukherjee ... For the Petitioner.

Mr. S. G. Mukherjee, Ld. P.P.,
Mr. Koushik Kundu ... For the State.

Learned advocate appearing for the petitioner is directed to serve a copy of this revisional application upon Mr. Koushik Kundu, learned advocate, who ordinarily appears for the State. His appointment may be regularised by the concerned authorities.

Learned advocate appearing for the petitioner submits that the present case was initiated in the year 2007 and till date, the process is continuing. According to the learned advocate, the prosecution and the *de facto* complainant have mis-utilised the provisions of law and at the stage of Section 313 of the Code of Criminal Procedure repeatedly recalling applications were filed and the process has been delayed. Learned advocate submits that CSW-7 who was not traceable at the time when process was issued earlier by the learned trial court is now being tendered as a witness and the next date has been fixed in the month of August 2023.

The manner in which the proceedings are progressing before the learned Additional Chief Judicial Magistrate, Bidhannagar, North 24-Parganas, I am of the opinion that the *de facto* complainant and the accused are the main parties

and the State as a prosecuting agency is not enforcing its powers to conclude the trial.

The learned Additional Chief Judicial Magistrate, Bidhannagar is directed to ensure that if CSW-7 is required to be examined, his examination must be completed by 30.09.2023. The learned trial court thereafter would in the facts of the case, if the evidence of all the witnesses are complete then fix date for examination of the accused under Section 313 of the Code of Criminal Procedure. The defence be afforded opportunity of three months to produce its witnesses, if any.

The learned Magistrate would take efforts after conclusion of arguments to deliver judgement by 30.04.2024.

The learned Additional Chief Judicial Magistrate, Bidhannagar is directed to stick to the schedule and dispose of the proceedings being G.R. Case No. 487 of 2007 arising out of Lake Town Police Station Case No. 173 dated 31.08.2007 keeping in mind that the case was initiated 16 years ago.

With the aforesaid observations, the revisional application being CRR 2587 of 2023 is disposed of.

Pending connected application, if any, is consequently 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.)