

20.07.2023
Serial no. 25
[G.S.D]

CRR 2628 of 2023

In Re: An application under Section 483 of the Code of Criminal Procedure in G.R. No. 758 of 2017 corresponding to Burrabazar P.S. Case No. 179 dated 19.04.2017 under Sections 448, 188, 506 and 207 of the Indian Penal Code.

In the matter of : Shakuntala Mukherjee

... .. Petitioner

Mr. Imtiaz Ahmed
Mr. Ghazala Firdaus
Ms. Sharmila Mukherjee
Mr. Gaurav Mukherjee

... For the Petitioner

Mr. Saswata Gopal Mukherjee
Ms. Sayanti Santra

... for the State

The petitioner is directed to serve a copy of this revisional application upon Ms. Sayanti Santra, Learned Advocate, who ordinarily appears on behalf of the State. Her appearance may be regularised by the concerned authority.

The anxiety expressed by the Learned Advocate appearing for the petitioner is that the present case was initiated in the year 2017 under Sections 448, 188, 506 and 207 of the Indian Penal Code and the same is still continuing without the trial substantially progressing before the Learned Metropolitan Magistrate, 16th Court, Calcutta.

The present petitioner is described in the complaint as a receiver in respect of the suit premises which is one of

the subject-matter of the F.I.R. and the subsequent charge-sheet.

As such, Learned Advocate representing the petitioner submits that unnecessarily for discharging official duties, the petitioner is being harassed pursuant to the institution of the present case.

The prayer so advanced on behalf of the petitioner is innocuous. It has been informed that the charge in this case was framed on July, 2020 and till date only examination-in-chief of the prosecution witness no.1 has been completed however the cross-examination has been deferred continuously on the next date as fixed in September, 2023.

Having considered the plight as expressed on behalf of the petitioner, I direct that on and from 18th September, 2023, once in every twenty days, a date should be fixed for the purpose of the present case. Efforts be taken so that the examination and the cross-examination of each witnesses do not exceed three days.

The Learned Public Prosecutor would be duty bound to provide the materials, exhibits and documents on the date so fixed for the examination of the witnesses and no unnecessary adjournment will be granted to either of the parties and in spite of any resolution taken by the local bar, the trial of the case should be continued on the date so fixed.

All efforts be taken to conclude the trial at the earliest by all the stake-holders responsible for the trial of the case.

With the above observations, CRR 2628 of 2023 is disposed of.

Pending application(s), if any, is also disposed of.

Parties to act on the server copy of this order, duly collected from the official website of the Hon'ble High Court, Calcutta.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties, subject to compliance with all requisite formalities.

(Tirthankar Ghosh, J.)