

Form J(1)

**IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction
Appellate Side**

Present :

The Hon'ble Justice Bibek Chaudhuri

C.R.R. 3072 of 2022

Biswajit Mondal

Vs.

State of West Bengal

**For the petitioner : Mr. Debasis Kar, Adv.
Mr. Subhajit Chowdhury, Adv.**

Heard on : 19.04.2023.

Judgment On : 19.04.2023.

Bibek Chaudhuri, J.

The petitioner is one of the accused of G.R. Case No.634 of 2019 arising out of Swarupnagar Police Station Case No.68 of 2019 dated 15th February, 2019 under Sections 498A/406/34 of the Indian Penal Code and Sections 3 & 4 of Dowry Prohibition Act.

It is submitted by the learned Advocate for the petitioner that on completion of investigation police submitted charge-sheet against the petitioner and other accused persons on 30th April, 2019. Till date even charge has not been framed. Last date of consideration of charge was fixed on 23rd March, 2023. However, on that date charge could not be framed due to absence of some of the accused persons.

It is the grievance of the petitioner that the Trial Court fixed subsequent date for consideration of charge after expiry of one year i.e. on 13 March, 2024. Though this Court finds that the learned Magistrate could not frame charge on 23rd March, 2023 due to the absence of some of the accused persons, at the same the Court unfortunately records that the a criminal case is fixed after a gap of one year for consideration of charge. If the date of a criminal case is fixed after a lapse of one year, the constitutional mandate of justice delivery system will be at stake. Considering all such aspect of the matter, the instant revision is disposed of directing the learned Judicial Magistrate, 1st Court at Basirhat to prepone the date of consideration of charge within three months from the date of communication of this order.

All the accused persons are directed to appear on the date fixed by the learned Trial Judge, failing which the learned Trial Judge is at liberty to issue warrant of arrest against the absentee accused persons. On the date so fixed, the learned Magistrate shall frame charge giving opportunity to both the parties of hearing. Thereafter, the learned Magistrate shall take endeavour to dispose of the case expeditiously.

The instant revision is, thus, disposed of.

The petitioner is at liberty to act on the server copy of the order.

(Bibek Chaudhuri, J.)

**Mithun De/
A.R. (Ct).
SI No.133..
D/L.**