

Form J(1)

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

**Present :
The Hon'ble Justice Bibek Chaudhuri**

C.R.R. 3344 of 2022

***Asis Kumar Das & Ors.
Vs.
The State of West Bengal & Anr.***

For the petitioner : Mr. Anit Dey, Adv.

For the State : Mr. Sandip Chakrabarty, Adv.

Heard on : 13.02.2023

Judgment On : 13.02.2023.

Bibek Chaudhuri, J.

The petitioners are at liberty to amend the cause title of the instant revision.

This is an application for expeditious hearing of a case being G.R. Case No.5210 of 2018 arising out of Dum Dum Police Station Case No.768 of 2018 dated 29th August, 2018 under Sections 498A/323/325/406/506 of the Indian Penal Code, presently pending before the learned Judicial Magistrate, 1st Court at Barrackpore.

It is submitted on behalf of the petitioners that petitioner Nos.1 and 2 are the parents-in-law of the de-facto complainant. Both of them are senior citizen. Petitioner No.3 is the husband of the de-

facto complainant. In respect of the aforesaid case, police submitted charge-sheet against the petitioners in the year 2018 itself. The learned Judicial Magistrate, 1st Court at Barrackpore framed charge against the petitioners on 3rd January, 2022. Subsequently, series of dates were fixed for hearing but the prosecution failed to produce any witness in order to prove the charge against the petitioners.

Considering the averment made in the instant revision, this Court is of the view that the instant revision can be disposed of with the assistance of the learned Public Prosecutor-in-Charge. Therefore, Mr. Sandip Chakrabarty, is requested to assist this Court as the Public Prosecutor-in-Charge. Appointment of Mr. Chakrabarty be regularized in the meantime by the learned Legal Remembrancer, Government of West Bengal.

It is really unfortunate to note that while charge has been framed in the year 2020 and more than two years have elapsed from the date of framing of charge, prosecution failed to produce any witness in order to prove charge. It is the duty of the Investigating Officer to produce the witnesses during trial as per the summons issued by the Trial Court in consultation with the learned Public Prosecutor.

Having heard the learned Advocates for the petitioners and the learned Public Prosecutor-in-Charge, this Court is of the opinion that

there is either lack of initiative nay absolutely negligence on the part of the Investigating Officer or the learned Additional Public Prosecutor attached to the Court of the learned 1st Court of the learned Judicial Magistrate at Barrackpore. Therefore, the instant revision is disposed of directing the learned Judicial Magistrate, 1st Court at Barrackpore to fix consecutive dates for examination of the six charge-sheeted witnesses and specifically direct the learned Public Prosecutor and the Investigating Officer or the Officer-in-Charge of Dum Dum Police Station to produce the witnesses on the dates fixed. In any case, the examination of the witnesses must be concluded within six months from the date of this order.

With the above direction, the instant revision is disposed of.

Parties are at liberty to act on the server copy of the order.

(Bibek Chaudhuri, J.)

**Mithun De/
A.R. (Ct).
SI No.4.
D/L.**