

**24.11.2023**  
**Serial no. 1**  
[G.S.D]

## **CRR 3135 of 2023**

**In the matter of : Suparnakanti Paria @ Totan & Ors.**  
... .. Petitioners

**MR. ANGSHUMAN CHAKRABORTY**  
**MR. R. K. ACHARYYA**  
**MR. BANSHI BADAN MAITY**  
**MR. S. S. SAHA** ... FOR THE PETITIONERS

Mr. D. Roy  
Mr. A. Hossain  
Mr. Rudradipta Nandy

... for the State

A Law Cell Memorandum No. 108 dated 23/11/2023 prepared by the Addl. Director General of Police (Legal), West Bengal be circulated through the Id. Registrar General, High Court, Calcutta to all the CJM/ACJM and the Court taking up bail applications particularly during the course of investigation.

It is further instructed that in case the investigating agency after completion of investigation files a put up petition for accepting the report under Section 173 of the Cr.p.C., in that case, the Id. CJM/ACJM, will accept such report, if it is filed within the statutory period without insisting upon the Id. Public Prosecutor or the Assistant/Additional Public Prosecutor placing the same before the Court. On the very same date, the Id. Magistrate would take up the issue relating to cognizance.

Mr. Chakraborty, Id. advocate appearing for the petitioners, submits that prior to 18.11.2022 no investigation was done by the investigating agency and the investigating agency by inserting back date has filed a report under Section 173 of the Cr.P.C. after filing an application under Section 167(5) of the Cr.P.C. at the instance of the present petitioners.

Ld. advocate submits that the petitioners are facing the agony of criminal proceedings since the last nine years. The police authorities are responsible for the same, as such, the present proceedings may be quashed.

Mr. Roy, Id. Public Prosecutor, appearing on behalf of the State submits that the investigation of the case was completed well within the time frame prior to the application under Section 167(5) being filed at the instance of the petitioners. Charge-sheet was prepared and the same was somewhere misplaced in the court itself.

I have considered the case diary and I find that the last of the materials were collected by the investigating agency on or about July, 2022.

The Id. CJM, Purba Medinipur, Tamluk would, if required, in connection with Tamluk Case No. 853 of 2014, scan the materials relied upon by the prosecution and if any document except the expert's report is relied upon by the

prosecution which was collected after 18.11.2022., the Id. Court would ignore the same.

The Id. CJM at the time of consideration of charges would take into account all the documents which were collected by the investigating agency prior to 18<sup>th</sup> of November, 2022 and proceed with the trial of the case, in view of the delay which has already occurred in this case.

The Id. Trial Court, at the time of consideration of charges, if it thinks that the trial of the case should take place, in that case, the Id. Trial Court would fix a schedule consisting of three days and fix such schedule once in every 45 days so that the trial of the case can be taken to its logical conclusion within a reasonable period of time.

The Id. Superintendent of Police will monitor the case so that the witnesses are available on the date so fixed before the Id. trial Court. No unnecessary adornment shall be granted to either of the parties. All efforts be taken so that the trial of the case (if the Id. Magistrate thinks the same to proceed) can be concluded at the earliest.

With the aforesaid observations, CRR 3135 of 2023 is disposed of.

Pending application, if any, is also disposed of.

The Superintendent of Police, Purba Medinipur, I.C. Tamluk and the Investigating Officer of the case are present

in Court. Their further appearance for the day is dispensed with.

The report so submitted by kept with the record.

Parties to act on a server copy of this order duly collected from the official website of the Hon'ble High Court at 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.)**