

28.08.2023
Serial no. 44
[G.S.D]

CRR 3163 of 2023

In the matter of : Amiruddin

... .. Petitioner

Mr. Ram Krishna Chandra

... for the petitioner

The petitioner is aggrieved by the manner in which C.R. Case No. 563 of 2017 is progressing. The order dated 31.7.2017 reflects that the Learned Magistrate took cognizance of the offence complained of and finally by an order dated 16.10.2017 the Learned Judicial Magistrate, 5th Court, Serampore was pleased to issue process after being satisfied that the alleged offence is under Sections 406/500 IPC.

The order dated 20.7.2018 reflects that the accused persons were examined under Section 251 of the Code of Criminal Procedure.

Having regard to the fact that one of the offences complained of is under Section 406 of the IPC, I direct the Learned Magistrate to reconsider as to why the proceedings are progressing in the manner of a summons procedure case.

The Learned Trial Court would check regarding the manner in which the case is progressing as I find from the records that evidence, till date, has not commenced.

Having regard to the fact that the prescribed punishment under Section 406 of the IPC is for a period which may extend to three years, the Learned Magistrate would first correct the records of the case and fix date for evidence before charge.

The Learned Trial Court would thereafter fix at least one date in a month so that the trial of the case can be taken to its logical conclusion and the evidence before charge be completed by 31st of August, 2024.

Learned Magistrate would thereafter fix date for consideration of charges and take steps so that the trial of the case is completed within a reasonable period of time.

With the aforesaid observations, CRR 3163 of 2023 is disposed of.

Pending application, if any, is also disposed of.

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.)

