

D/L81
13.09.2023
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C.R.R.3425 of 2023

In Re: An application under Section 401 read with Section 482 of the Code of Criminal Procedure;

Umesh Bharech
Versus
M/s. One Textile

Mr. Tarique Quasimuddin
Ms. Sanchita Chaudhuri.
...for the petitioner.

Although the issues relating to this case are in respect of proceedings under Section 410 of the Code of Criminal Procedure and the ground which has been assigned is that the learned lawyer who was engaged had his reservations in appearing before the learned Metropolitan Magistrate, 3rd Court, Calcutta as his junior happens to be the Presiding Officer of the court. Senior was engaged at a particular stage of the proceedings, as such, a case which commenced in the year 2010, cannot be deferred on such grounds. The case is decided on its own merits and judiciary has proceeded for time immemorial. No relation has stand in the way regarding the merits of the matter. Considering the issues so canvassed, I am not inspired to interfere for transferring the court.

Having regard to the fact that almost 13 years have passed since the initiation of the case, I direct that the learned Metropolitan Magistrate, 3rd Court, Calcutta to give priority to the present case being C-75 of 2010 so that by 31st January, 2024 the same can be disposed of. No interference is made in respect of the

order dated 28.08.2023 passed by the learned Chief Judge, City Sessions Court, Calcutta.

With the aforesaid observations, CRR 3425 of 2023 is disposed of.

Pending application, if any, is consequently disposed of.

In case medical certificate is produced on behalf of the petitioner before the learned Metropolitan Magistrate, 3rd Court, Calcutta, the learned Metropolitan Magistrate, 3rd Court, Calcutta would keep the warrant of arrest in abeyance and will not insist on physical presence of the accused only he considers that there cannot be a progress without the physical appearance of the accused.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

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

(Tirthankar Ghosh, J.)