

11-10-2023
Subha
Item no. 83
Ct no.34

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

CRR 3687 of 2023
CRAN 1 of 2023

Kuntal Banerjee and ors.
-versus-
The State of West Bengal & Anr.

Mr. Niladri Sekhar Ghosh,
Ms. Soupurna Chatterjee
Mr. Sourav Mondal
.....for the petitioners.

Mr. Partha Pratim Das
Mrs. Manasi Roy
....for the State.

Ms. Laboni Sikdar
Mr. Mainak Ghosal
...for the opposite party no.2.

Petitioners are directed to serve a copy of the revisional application along with the connected application upon Mr. Partha Pratim Das, learned advocate who ordinarily appears on behalf of the State. His appointment may be regularized by the concerned Authorities in due course.

Learned advocate for the petitioners submits that there has been change of circumstances and a compromise/amicable settlement has taken place between the parties.

According to the petitioners, the present case arose out of matrimonial discord. I find from the records of the case that the case was initiated in the year 2012. The evidence of the case is in progress.

Having considered the period of time, which has elapsed in the meantime, I direct that the learned Magistrate would be at liberty to expedite the progress of the trial by fixing two dates in a week. If required, the learned Magistrate on an application by the petitioners would invoke the provisions of Section 311 of the Code of Criminal Procedure, re-examine the de facto complainant, ascertain whether without any threat or coercion there has been change of circumstances in the case. The learned trial court would thereafter apply his discretion whether to proceed with the case or terminate the case by examination of the rest of the witnesses. The whole process must be completed within a period of six months from the date of communication of this order.

Learned advocate for the opposite party no.2 is present in court.

With the aforesaid observations, the present revisional application being CRR 3687 of 2023 along with CRAN 1 of 2023 is disposed of.

All concerned parties are to act in terms of a copy of this order duly downloaded from the official website of this court.

[Tirthankar Ghosh, J]

