

Form J(1)

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

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

CRR 4052 of 2022

**Baidyanath Saha and Another
Vs.
The State of West Bengal**

Mr. Tapas Kumar Ghose
Mr. Tanmoy Chowdhury
..for the petitioners

Md. Anwar Hossain
Ms. Sujata Das
...for the State

Item No. 17

Heard & Judgment on: 20.01.2023

Bibek Chaudhuri, J.

This is an application for a direction upon the Lower Court for expeditious disposal of a case being G.R. No.1125 of 2008 arising out of Mogra P. S. Case No.139 of 2008 under Sections 399/402 of the Indian Penal Code.

It is submitted on behalf of the petitioners that the Investigating Officer filed charge sheet on 30th March, 2009 against eight accused persons under Sections 399/402 of the Indian Penal Code. Till date the said case could not be committed to the Court of Sessions on the ground that the order of proclamation has not been executed by the police authority against two absconding persons namely Raja Ansari and Akbar Ali alias Bambaiya. It is also ascertained from the submissions made by the learned advocate for the petitioners that another accused Ajit Gayan had expired in the meantime. Five accused persons on bail are coming to the Court of the learned Chief Judicial Magistrate regularly. However, as the case was not committed, trial of the case could not be commenced.

Under such factual backdrop, the instant revision is disposed of directing the learned Chief Judicial Magistrate, Hooghly at Chinsurah to split up the record as against the accused persons against whom execution of proclamation is pending. He is further directed to commit the record as against the present petitioners and other accused persons who are on bail and appearing before the Court regularly. The learned Chief Judicial Magistrate is directed to pass necessary order complying

with the direction made herinabove within three weeks from the date of communication of this order.

The instant revision is accordingly disposed of.

(Bibek Chaudhuri, J.)