

Form J(1)

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

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

CRR 4062 of 2022

**Radha Raman Das @ Rrahul Yadav
Vs.
The State of West Bengal & Ors.**

Mr. Prabir Adhya
Mr. Avijit Mukherjee
Ms. Madhumanti Chakraborty
.for the petitioner

Item No. 20

Heard & Judgment on: 17.02.2023

Bibek Chaudhuri, J.

The petitioner is the de facto complainant of C.G.R. Case No. 650 of 2009. In the aforesaid case charge sheet has been filed against the opposite party Nos. 2 to 5 under Sections 468/471/406/120B of the Indian Penal Code.

It is pointed out by the learned advocate for the petitioner that in connection with the above mentioned case the opposite party Nos. 2 and 3 preferred special leave petition (Criminal No.6688 of 2017). In the said proceeding the Hon'ble Supreme Court clearly clarified that trial of the case may proceed and the matter should be decided expeditiously. The said order was passed on 5th April, 2022. The petitioner duly intimated the said order to the learned Magistrate by filing an application. The learned Magistrate without going through the application and the order of the Hon'ble Supreme Court surprisingly fixed the matter for hearing. Subsequently, several dates have been fixed for hearing of the said application. But the order of the Supreme Court was not complied with. Even charge has not yet been framed against the opposite parties till date.

Under such backdrop the instant criminal revision is disposed of directing the learned Judicial Magistrate, 5th Court at Alipore to specifically fix the date for consideration of charge within one month from the date of communication of this order. Thereafter he shall conclude the trial within ten months taking recourse to the provision contained in Section 309 of the Code of Criminal Procedure.

The petitioner is at liberty to act on the server copy of this order.

The instant revision is, accordingly, disposed of.

(Bibek Chaudhuri, J.)