

29.08.2023
Sl.No. 63
Ct. 33
Amalranjan

CRR 2729 of 2014
With
CRAN 1/2015 (Old CRAN 332/2015)

Re: Yasmin Taha

Mr. Tapas Kumar Ghosh
Mr. Tanmay Chowdhury.....for the petitioner

Mr. Sumanta Ganguly.....for the o.p. 2

Mr. Avishek Sinha.....for the State

Learned advocate for the State filed the report submitted by the Inspector-in-Charge, Asansol (South) ADPC, Paschim Burdwan to the said report be kept with the record.

It appears from the report that in connection with Asansol South PS Case no. 439/14 dated 11.12.2014 the complainant opposite party no. 2 had implicated the petitioner under Sections 420, 403, 406, 465, 468, 471,34 of the IPC. The investigating officer had submitted final report as Mistake of Fact vide Asansol South PS FRMF no. 132/15 dated 30.12.2015 along with a prayer that the FIR named alleged accused i.e., the present petitioner be discharged from the aforesaid GR case in absence of sufficient evidence to indict her.

It further appears that the defacto-complainant did not appear before the trial court for a considerable period of time and the next date is fixed on 03.08.2023 for S/R.

The opposite party no. 2 appeared before this court on 27th March, 2023. On her inability to be represented by a learned advocate, the Secretary, High Court Legal Services

Committee was directed to appoint a learned advocate to represent the opposite party no. 2. Consequently, Mr. Sumanta Ganguly, learned advocate had been appointed by the High Court Legal Services Committee to represent the opposite party no. 2.

Learned advocate for the petitioner submits that the aforesaid FRMF was submitted before the learned trial court on 13.7.2016.

Learned advocate representing the opposite party no. 2 submits that on an earlier occasion FIR in connection with Asansol South PS case no. 209/11 dated 8.7.2011 was submitted on 31.01.2013 vide FRMF no. 4/13 on self-same cause of action.

Thereafter, subsequently Hirapur PS case no. 152/2014 dated 23.6.2014 was filed by the mother of the earlier complainant. Later, due to lack of jurisdiction, Hirapur PS case no. 152/14 dated 23.6.2014 was transferred within the jurisdiction of Asansol South PS which was thereafter transferred vide order dated 27.6.2014 passed by the Learned ACJM, Asansol to the jurisdiction South PS and the case was renumbered 439/2014 dated 11.12.2014 registered under Sections 420, 403, 406, 465, 468, 471, 34 of the IPC which thereafter resulted in submission of the FRMF as aforesaid.

Considering the submissions of learned advocates for the petitioner and the opposite party no. 2 and on perusal of the materials on record as well as the report submitted by learned advocate for the State and the case diary, this court

is not inclined to entertain the instant application and accordingly, the said revisional application along with the connected application CRAN 1/2015 (Old CRAN 332/2015) are disposed of.

Learned trial court is to dispose of the case pending before it as expeditiously as possible, preferably within a period of six months from the date of this order.

Department is directed to communicate this order to the learned trial court immediately for information.

Liberty is granted to all parties to act in terms of the copy of this order downloaded from the official website of this court.

(Ananya Bandyopadhyay,J.)