

49
NB

17.05.2023

CRR 4184 of 2011

Ct. No.236

In the matter of:- Rahul Bose & Anr.

...petitioners

Mr. Madhusudan Sur,
Mr. Manoranjan Mahata.
....for the State.

Mr. Madhusudan Sur and Mr. Manoranjan Mahata, learned counsels representing the State.

Despite service, none is appearing on behalf of the petitioners.

This matter is pending since 2011. Instead of adjourning, the matter suo motu and I am inclined to disposed of the matter on merit based on materials available with the record.

This application under Section 482 of the Code of Criminal Procedure challenges the proceeding in GR Case No.1328 of 2011 under Sections 341/323/427/34 of the Indian arising out of Bhangore Police Station Case No.104 of 2011.

Briefly stated, one Tilak Dalui, the opposite party no.2 informed the Officer-in-Charge of Bhangore Police Station in writing that on 10th April, 2011 while he was coming back to his home, Rahul Bose, Rana Bose and others wrongfully restrained him and insisted him to vote for a particular party. As the informant refused to concede to such request, he was assaulted. The miscreants took away a sum of Rs.500/- and caused damage to his bicycle. The information since disclosed offence cognizable in nature. Bhangore Police Station Case No.104 of 2011 dated 10th April, 2011 was registered. The petitioners Rahul Bose and Rana Bose filed this application.

Despite service of notice, none is appearing, on 24th January, 2012. Direction was given upon the investigating agency to proceed with the

investigation but not to take any action without permission of the Court. After the period of more than 11 years, there is every reason to presume that the investigating agency has completed the investigation though the result is unknown to this Court.

In such circumstances, I am inclined to dispose of the revisional application with a direction upon the investigating officer to submit a final report either in the form of charge sheet or final report as the case may be before the learned jurisdictional Magistrate.

The revisional application is thus disposed of.

Copy of the Order sheet be sent down to the Additional Chief Judicial Magistrate, Baruipur, South 24-Parganas for information and necessary action.

Interim order of stay, if any, stands vacated.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Siddhartha Roy Chowdhury, J.)