

24.11.2023
Item No.228
Ct.No.34
dc.

IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION

C.R.R. 4314 of 2023

In the matter of : **Sonia Rajpal**

... Petitioner.

Md. Apzal Ansari,
Ms. Afreen Begum

... For the Petitioner.

Mr. Tanmay Kumar Ghosh

... For the State.

Learned advocate appearing for the petitioner is directed to serve a copy of this revisional application upon Mr. Tanmay Kumar Ghosh, learned advocate, who ordinarily appears for the State. His appointment may be regularised by the concerned authorities.

This revisional application was preferred challenging the continuance of Behala Police Station Case No. 532 of 2012 which is pending before the learned Judicial Magistrate, 3rd Court, Alipore. The said case was initiated in the year 2012. The petitioner happens to be sister-in-law who at the relevant point of time was young and has been subsequently married and is presently a resident of Lucknow, Uttar Pradesh. The petitioner submits that there has been no persuasion at the instance of the complainant and the learned Magistrate has fixed dates for examination of the accused persons under Section 313 of the Code of Criminal Procedure. However, the petitioner being a resident of Lucknow could not attend the court during that period for Covid pandemic.

Having regard to the fact that the petitioner is having a family at Lucknow and warrant of arrest is pending, I am of the view that the following orders should be passed :

- (i) The execution of the warrant of arrest so far as the present petitioner is concerned is stayed till 08.01.2024.
- (ii) If the petitioner appears before the learned Judicial Magistrate, 3rd Court, Alipore in connection with the instant proceedings, the learned Magistrate will allow her to continue on the same bail and bond.
- (iii) Since the record reflects that the dates have been fixed for examination under Section 313 of the Code of Criminal Procedure, the learned Judicial Magistrate in course of the said week starting from 08.01.2024 would complete the examination of the present petitioner under Section 313 of the Code of Criminal Procedure.
- (iv) So far as the rest of the accused persons are concerned, learned Magistrate would try to conclude the examination under Section 313 of the Code of Criminal Procedure by 31.01.2024.
- (v) If the defence does not intend to tender any defence witness, in that case the learned trial court would proceed to hear the arguments and deliver the judgement by 15.03.2024.

With the aforesaid observations, the revisional application being CRR 4314 of 2023 is disposed of.

Pending connected application, if any, is consequently disposed of.

All concerned parties shall act on the server copy of this order duly downloaded from the official *website* of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Tirthankar Ghosh, J.)