

30.03. 2023
item No.29
n.b.
ct. no. 551

CRR 3640 of 2018

Amitava Bhowmik.
Vs.
State of West Bengal & Anr.

Mr. Shataroop Purkayastha,
Ms. Jagriti Bhattacharya,
.. for the petitioner.
Mr. Saswata Gopal Mukherjee, Ld. P.P.
Mr. Imran Ali,
Ms. Debjani Sahu,
.... For the State.

affidavit of service filed on behalf of the petitioner be taken
on record.

None appears on behalf of the opposite party.

Mr. Imran Ali, learned advocate who usually appears on
behalf of the State is directed to appear in this matter. His
appointment may be regularized by the concerned authority.

The instant criminal revisional application has been
preferred for quashing of a criminal case being BGR 3412 of 2007
pending before the learned 2nd Judicial Magistrate Court at Alipore.

Learned advocate appearing on behalf of the petitioner
submits that the instant matter is pending since 2017.
Considering the pendency of the matter he frankly submits that
charge has been framed in the 2018. Since then the evidence has
already been started. But there is not effective progress of the
evidence conducted by the learned Magistrate. So, at this juncture

apart all formalities and prayer he submits the necessary order may be passed for speedy disposal of the matter.

Learned advocate appearing on behalf of the State submits before this Court that on perusing the record it appears that the instant case was initiated on the basis of a complaint filed by the de facto complainant under Section 156(3) before the learned Magistrate. Thereafter, on the basis of the direction of a Magistrate Behala P. S. case No.316 of 2017 dated 1st September 2017 was initiated. Subsequently, the said case was transferred and registered at Thakurpukur P.S. case No. 274 dated September 13, 2007. Learned advocate on behalf of the State submitted that necessary direction may be passed.

Heard the learned advocates, perused the materials on record and perused the certified copy of the order. It specifically appears that since the initiation of the evidence of the prosecution, no effective progress is revealed in the case record. The instant case is pending since 2007 that is we are now running 16 years of a criminal proceeding though magisterial level; considered the same to be a great concern.

Learned Magistrate is directed to dispose of the matter as early as possible preferable within a period of four months from the date of receiving of the order positively. Failing which the notion of justice of right to speedy trial to the accused shall be flouted.

Let the criminal revisional application is disposed of on the above observation.

I make it clear I have not entered into the merit of the case and it is to the jurisdictional Magistrate to decide all the matter on merit.

Let copy of this order be served upon the Learned Magistrate through the Learned District Judge Alipore, South 24 Parganas for compliance and effective disposal of this matter.

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

(Subhendu Samanta, J.)