

Form J(1)

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

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

CRR 4393 of 2022

**Harsh Vardhan Singh @ Major Harsh
Vardhan Singh @ Harsbardhan Singh
Vs.
The State of West Bengal & Anr.**

Mr. Apalak Basu
Ms. Pritha Bhaumik
..for the petitioner

Mr. Rudradipta Nandy, Ld. APP
Ms. Manisha Sharma
..for the State

Item No.107

Heard & Judgment on: 12.04.2023

Bibek Chaudhuri, J.

This is an application for a direction upon the trial Court for expeditious disposal of S.T. Case No. 1(2) of 2020 corresponding to S. C. Case No. 259 of 2019 pending before the learned Additional Sessions Judge, 4th Fast Track Court at Barrackpore. Suffice it to say that the opposite party No.2 lodged a complaint against the petitioner

alleging commission of offence under Section 376 of the Indian Penal Code. After investigation police submitted final report on 17th May, 2018 with the observation that the opposite party No.2 lodged a false complaint and she should be prosecuted under Section 211 of the Indian Penal Code for malicious prosecution. The said case was committed to the Court of Sessions on 16th August, 2019. Charge was framed against the opposite party No. 2 on 1st February, 2020. Thereafter the learned trial Judge fixed series of dates for production of witnesses. However, trial could not be produced as the accused/opposite party No.2 remained absent. On 16th November, 2021 the accused/opposite party No.2 filed an application stating, inter alia, that a departmental proceeding is going on against the present petitioner and till the disposal of the departmental proceeding the trial of the above mentioned case may be stayed. The said application is not disposed of as yet.

Under such circumstances, the petitioner being the victim has approached this Court for a direction upon the trial Court for expeditious disposal of the above mentioned case.

I have heard the learned advocate for the petitioner.

This Court is of the view that the instant revision can be disposed of with the assistance of the learned P.P.-in-charge.

Therefore, Mr. Rudradipta Nandy, learned advocate is requested to assist this Court on behalf of the State.

Appointment of Mr. Nandy be regularized by the learned Public Prosecutor, High Court, Calcutta.

Having heard the learned advocates for the parties this Court likes to record that pendency of the departmental proceeding does not affect the progress of the trial. Criminal trial and the departmental proceeding over the self-same incident may progress together. Moreover, in S.T. Case No. 1(2) of 2020 the issue is altogether different because the opposite party No.2 is the accused before the trial Court and the petitioner is the delinquent incumbent in the departmental proceeding. Thus, trial Court should take effective step for expeditious disposal of the said proceeding pending before it.

In view of the said decision taken by this Court, the learned trial Judge is directed to take positive step for disposal of S.T. Case No. 1(2) of 2020 at the earliest and preferably within eight months from the date of communication of this order.

The instant revision is, accordingly, disposed of.

(Bibek Chaudhuri, J.)