

IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION
APPELLATE SIDE

The Hon'ble **JUSTICE BIBEK CHAUDHURI**

CRR 4414 of 2022

Swapan Kumar Giri

-Vs-

The State of West Bengal & Anr.

For the Petitioner: Mr. Samiran Giri, Adv.

For the State: Mr. Sandip Chakraborty, Adv.

Heard on: 06 January, 2023.

Judgment on: 06 January, 2023.

BIBEK CHAUDHURI, J. : –

1. This is an application for expeditious disposal of GR Case No.310 of 2004 arising out of Ramnagar P.S Case 62 of 2004 dated 16th June, 2004 under Section 498A/326/323/384/307 of the IPC. It is pointed out by the learned Advocate for the petitioner that on the basis of written complaint submitted by the opposite party No.2 the abovementioned criminal case was instituted. On completion of investigation police submitted charge-sheet against the accused on 30th September, 2004, the case was then transferred to the learned Judicial Magistrate, 2nd Court at Contai for trial and disposal. There are only seven witnesses as per the charge-sheet. Till date, prosecution has been able to examine only two witnesses remaining five witnesses have not been examined for last 18 years.

2. The learned Magistrate is going on fixing date after date for trial without considering fact that the prosecution has not been able to produce the remaining witnesses as per the charge-sheet.

3. It is also submitted by the learned Advocate for the petitioner/husband that the petitioner is going to retire soon from service. Because of the pendency of the case the petitioner is not in a position to prepare his pension papers. Therefore necessary direction may be made to the learned Magistrate to dispose of the said criminal case at the earliest.

4. Considering the nature of allegation this Court is of the view that the instant revision can be disposed of with the assistance of the learned Public Prosecutor-in-charge. Therefore Mr. Sandip Chakraborty, Id. Public Prosecutor is requested to assist this Court on behalf of the state. Appointment of Mr. Sandip Chakraborty be regularized by the learned Legal Rememenbrancer, Government of West Bengal.

5. I have carefully perused the entire materials on record. GR Case No.310 of 2004 is now pending before the learned Judicial Magistrate, 2nd Court at Contai. The defacto complainant of this case was examined as PW1. In her examination in chief she stated that she was married to the petitioner on 23rd January, 1989. Then she stated on oath that she did not remember anything about the case. She also stated in her cross-examination that she did not remember what was written in her complaint. PW2 also failed to throw any light in respect of the prosecution case. It is surprising to note that when the defacto complainant who is the author of the prosecution case did not make any allegation against her

husband in course of his evidence, the Magistrate went on dragging the case with full knowledge that no effective result will arrive in the instant case.

6. In view of the evidence adduced by the defacto complainant, continuation of the criminal proceeding will be an exercise in futility and justice in the case demands that the dispute between the parties is put to an end and peace is restored.

7. In view of the above discussion the learned Magistrate, 2nd Court at Contai is specifically directed to close the prosecution evidence on receipt of the copy of this order and examine the accused under Section 313 of the Cr.P.C, if necessary and come to a logical end of the matter within three weeks from the date of communication of this order. The petitioner is at liberty to communicate the order obtaining server copy of the same.

8. The instant revision is thus disposed of.

(Bibek Chaudhuri, J.)