

Form J(1)

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction
Appellate Side

PRESENT:

The Hon'ble Justice Bibek Chaudhuri

CRR 4488 of 2022

Abhijit Koley
vs.
The State of West Bengal

For the Appellant : Mr. N. S. Ghosh,
Ms. S. Chatterjee,
Ms. Sutanuka Choudhury,
Mr. S. Mondal

Judgment on : 10.04.2023

Bibek Chaudhuri, J.

The petitioner has approached this Court for a direction upon the Trial Court to expedite disposal of the G.R. Case No.1989 of 2016 under Sections 448/323/325/354/379/435/427/326 of the IPC pending before the learned Judicial Magistrate, Additional Court at Arambagh, Hooghly.

On perusal of the instant revision, I find that the application can be disposed of here and now with the assistance of learned Public Prosecutor-in-Charge. Therefore, Ms. Manisha Sharma, learned advocate is requested to assist this Court on behalf of the prosecution. The appointment of Ms. Manisha Sharma be regularized by the learned Legal Remembrancer, Government of West Bengal.

It is submitted on behalf of the petitioner that in G.R. Case No.1989 of 2016, charge was framed against the accused on 16th October, 2017. Thereafter more than five years have elapsed, but the Trial Court failed to examine even a single witness. There are 11 witnesses in the charge-sheet.

After hearing the learned advocate for the petitioner and on perusal of the certified copy of the order, I find that the learned Judicial Magistrate is not at all too careful to dispose of the instant case. He is absolutely indifferent to take proactive approach, in spite of more than five years have elapsed after framing of charge and not a single witness has been examined on behalf of the prosecution.

In view of such circumstances, the instant revision is disposed of directing the learned Judicial Magistrate, Additional Court at Arambagh, Hooghly to take positive step to examine of the charge-sheeted witnesses within eight months from the date of communication of this order.

The petitioner is at liberty to act on the server copy of the order.

(Bibek Chaudhuri, J.)