

12-12-2023
Subha
Item no. 328
Ct no.34

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction
CRR 4690 of 2023

Debjyoti Biwwas
-versus-
The State of West Bengal and Anr.

Mr. Prabir Majumder
Mr. Debraj Shil

.....for the petitioner.

Mr. Mirza firoz Ahmed Begg

...for the State.

Petitioner is directed to serve a copy of the revisional application upon Mr. Mr. Mirza Firoz Ahmed Begg, learned advocate, who ordinarily appears on behalf of the State. His appointment may be regularized by the concerned Authorities in due course.

Mr. Majumder, learned advocate appearing for the petitioner submits that because of non-appearance of Bithika Biswas, step mother of the present petitioner before the court he is suffering for the last seven years and the learned court is not proceeding or progressing with the case.

Learned advocate draws the attention of this court to number of orders being passed. Record reflects that the learned court on several occasions have fixed dates, but for one reason or the other, the said Bithika Biswas had been absent, subsequently she appeared pursuant to warrant of arrest being issued and she was granted bail. Again she is absent and presently execution return of warrant of arrest against the said Bithika Biswas is pending.

Learned advocate submits that if possible it would be convenient for the ends of justice that the trial of Bithika Biswas be split up.

Be that as it may, presently the case is fixed for execution return of

warrant of arrest. The learned Magistrate is directed that in case on 19th January, 2024 the accused Bithika Biswas do not appear, learned Magistrate would start exhausting the process of law and after exhausting process of law, the learned Magistrate would split up the trial and once the trial is split up, the learned Magistrate will consider the charges and thereafter proceed with the trial of the case in accordance with law.

The learned Magistrate when fixing the dates henceforth will keep in mind that the case being Barrackpore Women Police Station Case No. 36 of 2016 was initiated on March 4, 2016 i.e., more than seven years have passed since the initiation of the case.

With the aforesaid observations, the revisional application being CRR 4690 of 2023 is disposed of.

All concerned parties are to act in terms of a copy of this order duly downloaded from the official website of this court.

[Tirthankar Ghosh, J]