

06.01.2023
SL No. 46
Court No.3
SB

Circuit Bench of Calcutta High Court
At Jalpaiguri

CRR 238 of 2022

In the matter of : M. Haridos @ M. Haridas

Mr. Arjun Chaudhury
Ms. Pratyusha Dutta Chowdhury
Mr. Bikash Singha ... for the petitioner

Mr. Aditi Shankar Chakraborty, Ld. APP
Mr. Ujjal Luksome
Mr. Biswarup Roy ... for the State

This criminal revision is directed for quashment of a criminal proceeding being G.R. Case No. 347 of 2011 pending before the learned Judicial Magistrate, 3rd Court (S) Coochbehar, District.- Coochbehar registered on the basis of New Coochbehar G.R.P.S. Case No. 09/2011 dated 12.6.2011.

Heard learned advocates representing the parties.

It is contended by the learned counsel for the petitioner that on the basis of information given by one Swapna Ghosh which disclosed offence cognizable in nature, the case was registered. Police took up investigation which culminated into submission of charge sheet against the accused person under Section 354 of the Indian Penal Code. The accused person is serving Indian Army and he is on the verge of retirement. He surrendered to the jurisdiction of the learned Trial Court. He was enlarged on bail. On 04.01.2012 he was examined under Section 251 of Cr.P.C. when he pleaded his innocence and claimed to be tried. 20.3.2012 was fixed for evidence. Since then till 14.9.2022 prosecution could not examine

a single witness, far to speak of the informant / victim who has been cited as C.S.W. – 1.

According to Mr. Chowdhury, learned counsel, the petitioner is going to retire in this month and the criminal proceeding would be an impediment in getting the terminal dues of the petitioner who has already lost the chance being promoted because of this criminal proceeding.

Right to have speedy trial since been considered as constitutional right, I consider it expedient and just to invoke the provision of Section 482 of Cr.P.C. to quash the proceeding in order to avert abuse of process of law, which is writ at large in this particular proceeding and to secure ends of justice.

According the proceeding being G.R. Case No. 347 of 2011 pending before the learned Trial Court stands quashed.

The criminal revision is thus disposed of.

Let the copy of the order be sent down to the learned Trial Court for information and necessary action.

Urgent Photostat certified copy of this order, if applied for, be given to the parties upon completion of requisite formalities.

(Siddhartha Roy Chowdhury, J.)