

01.02.2024

Item No.11
Ct.No.34
dc.

IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION

C.R.R. 64 of 2024

In the matter of : **Dr. Prakash Kumar Hazra** ... Petitioner.

Mr. Utpal Majumdar,
Ms. Anyapurba Banerjee,
Ms. Dolan Saha ... For the Petitioner.

Mr. Iqbal Kabir ... For the State.

Affidavit-of-service filed in Court today be kept with the record.

The petitioner being the *de facto* complainant is aggrieved by the fact that New Market Police Station Case No. 434 of 2012 was registered on 17.10.2012. The investigating agency, on conclusion of investigation, submitted charge-sheet before the jurisdictional court on or about September 2013. More than ten years have passed and till date, the stage of consideration of charges is not yet over. Further grievance of the petitioner/*de facto* complainant is that more than 35 dates have been fixed and the accused/opposite party has filed an application under Section 317 of the Code of Criminal Procedure which is pending and there is no efforts for initiation and continuation of smooth progress of trial of the present case.

The case is presently pending before learned Metropolitan Magistrate, 6th Court, Calcutta and it has been informed that the next date has been fixed on 09.02.2024. Having considered the totality of the circumstances, I direct that on 09.02.2024, the learned Metropolitan Magistrate, 6th

Court, Calcutta will ensure that the documents under Section 207 of the Code of Criminal Procedure are supplied to the accused and within a fortnight thereafter, date is fixed for consideration of charges. The process of consideration of charges should be over by 28.02.2024. If after consideration of charges, the learned Magistrate is of the opinion that trial of the case should be conducted, then in that case the learned trial court will fix one date in a fortnight so that trial of the case can be taken to its logical conclusion within a reasonable period of time. In the alternative, if the accused evades the process of law, the learned trial court would exhaust harsher process of law and communicate to the Deputy Commissioner of Police in-charge of New Market Police Station to execute the process for compelling the appearance of the accused before the court.

With the aforesaid observations, the revisional application being CRR 64 of 2024 is disposed of.

Pending connected application, if any, is consequently disposed of.

All concerned parties shall act on the server copy of this order duly downloaded from the official *website* of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Tirthankar Ghosh, J.)