

07.02.2024

Sl.No. 1

Ct. 32

Amalranjan

In The High Court At Calcutta
Criminal Revisional Jurisdiction
Appellate Side

CRR 817 of 2017

With

CRAN 3/2017 (Old CRAN 4845/2017)

With

CRAN 9/2019 (Old CRAN 5051/2019)

Dr. Jayanta Kumar Gupta

Vs.

State of West Bengal and anr.

Mr. Sekhar Kumar Basu

Mr. Souvik Mitter.....for the petitioner

Mr. Debabrata Chatterjee

Ms. Sayanti Santra.....for the State

Nobody appears on behalf of the opposite party no. 2 on call. Even on earlier occasion no one represented the opposite party no. 2, no accommodation sought for.

Report submitted by the learned advocate for the State is taken on record.

Dr. Jayanta Kumar Gupta being the accused filed an application under section 482 of the Criminal Procedure Code, 1973 seeking quashing of the proceedings being Section P2 (Phoolbagan) Police Station case no. 103 of 2013 dated 15.4.2013 under section 304 Pt. II of the IPC corresponding to G.R. case no. 1298/2013 pending before the court of learned Additional Chief Judicial Magistrate, 24 Parganas (South) at Sealdah.

It appears from the report that during pendency of this case, after completion of the investigation final report as

mistake of facts vide MF 06/2019 dated 10.3.2019 was submitted before the learned court below on 21.8.2019. However the said case is pending before the learned court below till date. Though there is no stay in such proceeding.

The next date is fixed for hearing before the learned ACJM, Sealdah on 12.3.2024.

In such circumstances, this application is required to be disposed of with a direction to the ACJM, Sealdah to decide the case preferably within two months from the next date of hearing after completion of all process upon the defacto-complainant.

Accordingly, **CRR 817 of 2017** is, thus, disposed of with the above observations.

Consequently, pending applications being **CRAN 3/2017 (Old CRAN 4845/2017)** and **CRAN 9/2019 (Old CRAN 5051/2019)** are also disposed of.

Interim order, if any, stands vacated.

Let the order be communicated to the Ld. Court below for information and compliance.

Liberty is granted to all parties to act in terms of the copy of this order downloaded from the official website of this court.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties taking all legal formalities.

(Ajay Kumar Gupta, J.)