

06.03.2024

Item No.42
Ct.No.34
dc.

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION**

C.R.R. 1262 of 2023

In the matter of : **Sougata Das**

... Petitioner.

Mr. Biswaranjan Bhakat

... For the Petitioner.

Affidavit-of-service and supplementary affidavit filed on behalf of the petitioner be kept with the record.

Learned advocate appearing for the petitioner submits that the petitioner is not inclined to proceed against the opposite party no.2. As such, service upon the opposite party no.2 is dispensed with.

Learned advocate for the petitioner submits that the incident complained of is of the year 2011 and the complaint case was filed in the year 2015 on which cognizance was taken. Learned advocate submits that the said proceeding according to Section 468 of the Code of Criminal Procedure is barred under the law.

The petitioner is granted liberty to first canvass such issue relating to delayed cognizance being taken by the learned ACJM, Serampore before the jurisdictional court. The case is presently pending before the learned Judicial Magistrate, 4th Court, Serampore, Hooghly. Having regard to the issues so canvassed, I am of the view that the petitioner has been granted liberty to take out an application under Section 468 of the Code of Criminal Procedure before the learned Judicial Magistrate, 4th Court, Serampore, Hooghly in connection with C.R. Case No. 411 of 2015. If such an

application is filed, the same may be disposed of within a period of three months from the date of filing such application. The learned court will consider the same in accordance with law and arrive at its independent finding.

With the aforesaid observations, the revisional application being CRR 1262 of 2023 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.)