

14.03.2024

34

cm

CRR 1801 of 2012

In the matter of : Siddhartha Mitra

.... petitioner.

Mr. Y.J. Dastoor, Sr. Adv.

... for the petitioner

Mr. Avishek Sinha

Mr. Narayan Prasad Agarwala

Mr. Pratick Bose

... for the State.

The instant revisional application was filed against an order dated 03.02.2012 passed by the Additional Chief Judicial Magistrate, Barrackpore in connection with Dumdum P.S. Case No. 190 dated 15.05.2011 corresponding to G.R. Case No. 1809 of 2011 under Section 447/379/427 of the Indian Penal Code.

Heard the submission of the learned advocates for the petitioner as well as State.

Perused the materials on record. The order dated 03.02.2012, as aforesaid, inter alia, stated that the trial court in the interest of the defacto complainant being widowed lady had directed to treat the protest petition as a complaint case and further opined the matter should be re-investigated by the Dum Dum police station "*a bit more sincerely than previous occasion*". A further investigation in pursuance of the order

dated 03.02.2012 was conducted and final report was filed by the Investigating Officer on 30.04.2017 stating that the aforesaid case to be instituted on the basis of a contending mistake of fact. The trial court had on several occasions issued notice to the de facto complainant who did not appear before the Court. In the meantime, a report was submitted by the Inspector-in-Charge Dum Dum Police Station Barrackpore Police Commissionerate during the pendency of the instant revisional application to the effect that the de-facto complainant/opposite party No. 2 i.e. Binata Mitra had expired on 10.11.2020. Let the said report be kept on record.

Under such circumstances, the instant revisional application has become infructuous and accordingly disposed of.

The proceedings in connection with Dumdum P.S. Case No. 190 dated 15.05.2011 corresponding to G.R. Case No. 1809 of 2011 under Section 447/379/427 of the Indian Penal Code is to be quashed.

The lower court records be sent down to the learned trial court immediately.

Copy of this order be sent to the Department and learned trial court for immediate compliance.

(Ananya Bandyopadhyay, J.)