

17.05.2024
Serial no. 70
[G.S.D]

CRR 2049 of 2024

In the matter of : Prasanta Kumar Dhol & Anr.

... .. Petitioners

Mr. Sujoy Chakraborty
Ms. Shashwati Bhattacharjee

... for the petitioners

The petitioners have prayed for expeditious disposal of Dumdum P.S. Case No. 253 of 2021 dt. 26.2.2021 which is a proceeding under sections 498A/325/406/506 of the IPC. The said case is pending before the Id. JM, 5th Court, Barrackpore.

The prosecution in order to prove its case has relied upon nine witnesses. The present petitioners being Prasanta Kumar Dhol and Monika @ Manika Dhol are aged about 78 and 72 years, as is averred in the application, are suffering from various age-old ailments. The petitioners have been implicated as they happen to be the father in law and mother in law of the defacto-complainant.

Having considered the age of the present petitioners and the fact that charge has been framed, in case, the petitioners undertakes that they would not challenge their identity and/or will not take any plea that they are

prejudiced because of the fact that evidence has been recorded in their absence and file an application under section 205 of the cr.p.c. with the Id. advocate undertaking to represent them on each and every date of hearing, the Id. Magistrate would consider the same and dispense with the personal appearance of the petitioners from the day to day proceedings of the court.

So far as the proceedings are concerned, the Id. Magistrate would fix a schedule consisting of three dates and fix such schedule once in a month so that the trial of the case be concluded within a specific period of time.

In case, any witness is absent, in that case, the Id. Magistrate will instruct the inspector-in-charge/officer in charge of Dumdum P.S. to ensure regarding the availability of the witnesses on the date so fixed and/or in the alternative, file a report assigning the reason for non-availability of the witnesses. The Id. Magistrate will not accept any lame excuse for being absent in court and will exercise his discretion in respect of the absence of the witnesses as to whether the witness is indispensable for the just decision of the case.

No unnecessary adjournments be granted to any of the parties. Id. Public Prosecutor conducting the case would produce the materials, exhibits and documents on the date so fixed for examination of the witnesses. All stakeholders

would cooperate with the Id. trial court so that the trial of the case is concluded at the earliest. The trial of the case would continue in spite of any resolution of the local Bar and the participating advocates in any manner or the other will not stall the proceedings in spite of such resolution.

With the aforesaid observations, CRR 2049 of 2024 is disposed of.

Pending application, if any, is also disposed of.

Parties to act on a server copy of this order duly collected from the official website of the Hon'ble High Court, Calcutta.

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

(Tirthankar Ghosh, J.)