

21.02.2024
Serial no. 2-3
[G.S.D]

CRR 4114 of 2023

In the Matter of : Anupam Mahalanobish
... .. Petitioner

With
CRR 205 of 2024

In the Matter of : Rita Biswas

Mr. S. Imam
Mr. B. Bhushan ... for the petitioner in CRR 4114 of 2023
Mr. A. Misra

Mr. Angshuman Chakraborty ... for the State in CRR 4114 of 2023

Mr. Chandra Sekhar Banerjee
Mr. Samit Dutta ... for the o.p. no.2 in CRR 4114 of 2023

Mr. Abhijit Ganguly For the petitioner in CRR 205 of 2024

Mr. S. Imam
Mr. B. Bhusan ... for the respondent nos. 2 to 4 in CRR 205 of 2024
Mr. A. Misra

Mr. Pravas Bhattacharya
Mr. Asraf Mandal ... for the State in CRR 205 of 2024

As both the revisional applications, being CRR 4114 of 2023 and CRR 205 of 2024 arise out of Sunderban Coastal Police Station Case No. 116 of 2015 dated 09.07.2017, the same are taken up together for disposal.

Prior to entering into the prayers so advanced on behalf of Id. advocates appearing for the respective parties, one correction is required to be made in the order dated

01.02.2024 in CRR 205 of 2024, wherein the name of the Id. advocate appearing on behalf of the petitioner have been wrongly recorded. The name of the learned advocate for the petitioner in the order dated 1.2.2024 in CRR 205 of 2024 would be as follows:

“ Mr. Abhijit Ganguly, Id. advocate for the petitioner in CRR 205 of 2024”.

CRR 4114 of 2023

A report has been submitted on behalf of Id. advocate for the State. The report has been prepared by the officer in charge of Sundarban Coastal PS, Baruipur Police District. The said report incorporates series of dates regarding the progress of the case.

In this revisional application, initially, a prayer was advanced for quashing of the order dated 26.4.2018, but, subsequently, Mr. Imam, Id. advocate for the petitioner, has modified his prayer and submits before this court that the trial of the case may be expedited so that the same can be taken to its logical conclusion within a reasonable period of time.

CRR 205 of 2024

On the other hand, in CRR 205 of 2024, Mr. Ganguly, Id. Advocate for the petitioner, has expressed his grievance and submits that as the health of the petitioner was beyond

her control, she could not appear on 18.12.2023 and her evidence has been virtually closed by the Id. trial court.

On consideration of the submissions and the report so submitted as well as the order passed by the Id. trial court, I find no illegality in the order passed in respect of a case which was initiated in the year 2015 and if, after eight years, the evidence of the case cannot progress.

However, for the greater interest of justice and the fact that the accused persons who have been implicated, are facing the ordeal of trial/criminal proceedings for more than eight years and the complainant/p.w.1 is aged about 72 years, I am of the opinion that both the parties require opportunity to place and/or defend their respective cases.

Next date of the case, as has been informed by the learned advocates appearing for the petitioners, is on 28.2.2024.

Hence, I direct the Id. JM, 7th Court, Alipore, to fix a schedule consisting of three dates and fix such schedule once in a month or, within a fixed schedule. If, the examination in chief or the cross-examination is not complete, in that case, the Id. Magistrate will, in the same month, complete and/or take all efforts to complete the examination in chief and the cross examination of a

particular witness, who is on dock for the purposes of the case.

If any witness do not appear in two schedules, in that case, the Id. Magistrate will, in his/her own discretion, strike off the evidence of the said witness until and unless for reasons beyond his/her control. The witness can explain regarding his/her absence.

All efforts be taken to pronounce the judgment in connection with this case on or before 28th of February, 2024.

The Id. advocate appearing for the State and the defence will not seek any accommodation and the Id. Magistrate/the trial court will not grant any accommodation because of any resolution passed by the local Bar.

On 28th February, 2024, as date has been fixed, the Id. JM, 7th Court, Alipore will commence the evidence of the complainant/p.w.1, if she is present in court on the date so fixed and thereafter fix a schedule, as has been directed above.

With the aforesaid observations, CRR 4114 of 2023 along with CRR 205 of 2024 is disposed of.

Pending application(s), if any, is also disposed of.

Report so submitted by the State be kept with the record.

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.)