

17.12.2024
rc/ct.no.02
Item No.45

**IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri
Criminal Revisional Jurisdiction**

CRR No.453 of 2024

**In the matter of : Ratn Kundu @ Ratan Kumar Kundu
.....Petitioner**

Mr. Dhiraj Lakhotia	
Ms. Radhika Agarwal	
Ms. Meghana Joshi	
Ms. Khushi Kundu	...for the Petitioner
Mr. Abhijit Srkar	for the State

The petitioner seeks quashing of proceedings being G.R.Case No. 384 of 2017 pending before the learned Judicial Magistrate, 4th Court, Siliguri.

Learned counsel for the petitioner submits that the defacto complainant of the case has expired and witness nos. 2 and 3 are untraceable. Witness nos. 4, 5, 6 and 7 have been examined and the prosecution has chosen not to examine witness no. 8. Only the Investigating Officer who has been cited as CSW-9 is to be examined. According to the learned counsel, the informant at whose behest the proceedings was initiated has not been cited as a witness. Also, in absence of examination of the seizure witnesses, the alleged seizure cannot be substantiated.

Upon consideration of the submission made on behalf of the parties and in view of the fact that the trial of the case is at its fag end, this Court is not inclined to interfere with the proceedings.

The factual aspects pointed out by the petitioner shall be dealt with by the learned Trial Court in recording a final order.

Since only the Investigating Officer is left to be examined, the learned Trial Court shall take all necessary steps for securing the attendance of the said witness and take the proceedings to its logical conclusion within six months from the date of next hearing fixed before him without granting any unnecessary adjournment to either of the parties, in accordance with law.

CRR No. 453 of 2024 is disposed of accordingly.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

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

(Suvra Ghosh,J)