

C.R.R. 1478 of 2025

04.04.
2025

In the matter of:- **Bibhison Chandra Bera**

Mr. Ramashis Mukherjee
Mr. Rajtilak Ghoshal
Ms. Munmun Mondal
...for the petitioner

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is an eighty years old man who is unable to attend the Court regularly. He filed an FIR in the year 2011 under Sections 420, 120B, 417, 467 and 409 of the Indian Penal Code. Yet, till date the proceeding could not be concluded. Only a charge sheet has been submitted. Even charges have not been framed yet. This is despite an earlier order passed by a Co-ordinate Bench of this Court on 05.07.2023 in CRR 415 of 2023, there this Court directed the learned Magistrate to strictly comply and ensure appearance of all accused. Once the accused appeared, steps would be taken for consideration of charge and the matter would be taken to its logical conclusion within a period of two years from the date of framing of charge. As the order sheet would show, the same dilatory tactics of the accused continued and the Court succumbed to the same. It has been the practice of the accused to absent themselves on one occasion and after warrant of arrest is issued, they would appear and take bail and on another

day, some other accused would employ the same trick.

No prejudice will be caused to anyone if an order is passed without serving notice to the other side in an application for expeditious disposal of a proceeding.

It appears that even after passing of the earlier order by this Court, the learned trial Court did not take sufficient measures to comply with the order of this Court and expedite the proceeding.

If the accused continuously absent themselves and then turn up to pray for bail even after issuance of warrant of arrest, the learned Magistrate can on that very day insist that charges would be considered.

Let the learned Magistrate comply with the earlier order passed by this Court, the outer limit set to be counted from this date, and dispose of the matter expeditiously and in accordance with law.

The petitioner and the State shall also be at liberty to pray for cancellation of bail in case the accused jumped bail and absented themselves.

With these observations, the revisional application is disposed of.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Jay Sengupta, J.)