

539.
02.12.2025
Bd.
Ct. 29

CRR 1567 of 2025
Aparesh Dey

Vs.
The State of West Bengal

Mr. Prosenjit Debnath
Ms. Punam Basu

... for the petitioner.

Mr. Arijit Ganguly
Mr. Karan Bapuli

... for the State

This application pertains to prayer made by the petitioner for quashing of the proceeding being BGR No. 3943 of 1999 under sections 436/144/148/147/149/353/186/436/442/336/307/506 of the Indian Penal Code and sections 25/27 of the Arms Act.

It is submitted on behalf of the petitioner that the case was instituted on 21st August, 1999 and the charge-sheet was submitted on 11th December, 2000. Thereafter copy was served upon the accused persons but since then for last 25 years the case has not been proceeded with and the petitioner will retire from service in the month of April 2026 and due to pendency of the instant proceeding he is going to be deprived from his retiral benefit.

Learned counsel for the petitioner in this context relied upon a judgment in the case of **Abdul Rehman Antulay & Ors. –vs- R.S. Nayak & Anr.**, reported in **(1992) 1 SCC 225** and contended that considering the abnormality in delay involved in the instant proceeding the same may be quashed.

Learned counsel appearing on behalf of the State submits that the delay occurred not due to laches on the part of the prosecution. Two accused persons are still absconding and writ of proclamation has been issued against the said accused persons,

and as such abnormal delay caused in the instant proceeding is attributable to some of the accused persons.

Having heard learned counsel for the petitioner and the State, the instant application being CRR 1567 of 2025 is hereby disposed of with the direction upon the court below to split the case record in respect of the absconding accused persons and then to consider whether the proceeding involves any sessions triable offence or not. If the trial court is of the view that the proceeding involves sessions triable offence he will commit the case record within one month from the date of splitting the case record in respect of the absconding accused persons. Alternatively, if he is of the views that the proceeding does not involve any sessions triable offence, then the Magistrate concerned will make every endeavour to dispose of the said proceeding preferably within a period of six months from the next date of hearing. This order is being issued invoking this Court's jurisdiction under section 483 Cr.P.C. read with section 529 of the BNSS.

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

(Dr. Ajoy Kumar Mukherjee, J.)