

CRR 2989 of 2024

Dipali Bhattacharya
Vs.
The State of West Bengal & anr.

Sr. Adv. Bikash Ranjan Bhattacharyya,
Adv. Samim Ahammed,
Adv. Gulsanwarra Pervin,
Adv. Arka Ranjan Bhattacharya,

...for the petitioner.

Adv. Suman De,
Adv. Sourat Nandy,

...for the State.

Report submitted by the State is taken on record.

Affidavit of service filed on behalf of the petitioner is taken on record.

None appears for the private opposite party despite service.

The petitioner seeks quashing of GR case no. 4010 of 2012 pending before the learned Metropolitan Magistrate, 6th Court, Calcutta, presently redesignated as the learned Judicial Magistrate, 6th Court, Calcutta.

Learned counsel for the petitioner submits that the main thrust of the allegation is against one Jayanta Banerjee who has expired during pendency of the case. The only allegation against the petitioner is that before receiving the paintings from Jayanta Banerjee, she did not verify the genuineness of the same.

Per contra, learned counsel for the State refers to the statements of witnesses recorded under Section 161 of the Code of Criminal Procedure in course of investigation implicating the petitioner.

This Court is informed that charges have been framed and witness action has commenced. The present application has been filed after commencement of witness action before the learned trial Court.

In view of the above, this Court is inclined to hold that since the trial has reached a mature stage upon commencement of witness action, this Court ought not to intervene at this stage of the proceeding and it is for the learned trial Court to decide the case upon examination of witnesses. However, in view of the period of pendency of the case, the learned trial Court is directed to take the proceeding to its logical conclusion within one year from the next date of hearing fixed before him without granting any unnecessary adjournment to either of the parties, in accordance with law.

CRR 2989 of 2024 is disposed of.

Case Diary be returned.

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

(Suvra Ghosh, J.)