

13.11.2025
Sl. no. 46
Ct. No. 42
P.M.

CRR 4347 OF 2025
Avishek Biswas
- Vs -
Tiyashi Mitra Biswas..

Mr. Sandip Ray
..... For the petitioner
Mr. Kallol Mondal, Sr. Adv
Mr. Krishna Ray,
Mr. Anamitra Banerjee,
Mr. Sauvik Das,
Mr. Sreyash Kumar Singh,
Ms. Moupia Chakraborty
... for the opposite party.

1. Present petition has been filed for expeditious disposal of an application under Section 340 of the Cr.P.C. filed in connection with M.R. Case No. 67 of 2025 pending before the learned Chief Judicial Magistrate, Jhargram.
2. Learned counsel for the petitioner submits that while deciding the interim application being filed by the opposite party learned Judicial Magistrate has made specific observation that the opposite party/wife had not approached the Court with clean hand and failed to disclose the material.
3. Learned counsel, therefore, submits that the directions may be issued for the expeditious disposal.

4. Section 340 Cr.P.C. in Chapter XXVI provides provisions as to offences affecting the administration of justice and perusal of Section 340 Cr.P.C. makes it clear that proceeding can be initiated only if the court is of the opinion that it is expedient in the interests of justice that an inquiry should be made into any offence referred to in clause (b) of sub-Section (1) of Section 195, which appears to have been committed in or in relation to a proceeding in that Court or, as the case may be, in respect of a document produced or given in evidence in a proceeding in that Court, such Court may, after such preliminary inquiry, if any, as it thinks necessary shall record a finding to that effect and make a complaint thereof in writing.
5. The observation made by the learned Trial Court are prima facie in nature at the stage of interim application.
6. The evidence is yet to be laid by the opposite party /petitioner. Moreover, it is the discretion of the Magistrate to conduct an enquiry if it is expedient in the interests of justice. It is also a settled proposition that for under Section 340 the trial cannot be stalled.

7. The court considers that no direction can be issued expressing the matter for the expeditious disposal under Section 340 of Cr.P.C.
8. Hence this petition is dismissed.
9. Urgent photostat certified copy of this order, duly applied for, be given to the parties upon compliance of all usual requisite formalities.

(Dinesh Kumar Sharma, J.)