D/L – 12
13/11/2026
Court No.42
S.Kundu

CRR 1377 of 2024
With
CRAN 1 OF 2024

Arun Kumar Ray & Anr.
Vs.
State of West Bengal & Anr.

Mr. Ooiseeroop Sinha

...for the State.

1. This instant revisional application has been preferred by the petitioners under Section 401 read with Section 482 of the Code of Criminal Procedure, 1973, by the petitioners, namely Arun Kumar Ray and Ruby Ray, who happen to be the parents-in-law of the opposite party no. 2 herein, who calling in question the legality of the impugned proceeding being Case No. C/386 of 2022, currently pending before the Court of the learned 5th Judicial Magistrate at Sealdah, initiated under Sections 341, 114, and 120B of the Indian Penal Code.

2. The brief factual matrix of the prosecution case is that Opposite Party No. 2, the husband, married the petitioners' daughter on 18th January, 2009, under the Special Marriage Act, 1954, and the couple subsequently settled in Mumbai for gain, being blessed with a son in September 2015. The matrimonial discord surfaced in 2021 when the wife and minor son travelled to Kolkata in the festive season puja and stayed with or near their

family members. According to the complainant, when he returned to Kolkata on 18th December, 2021, to take his wife and child back to Mumbai, they were not found at the expected place. This led to communications, friction, and ultimately a written complaint lodged on 21st April, 2022, at the Beliaghata Police Station. As the police did not register a formal FIR upon his information, the opposite party was constrained to approach the learned Magistrate by filing an application under Section 156(3) of the Code of Criminal Procedure.

3. The learned Additional Chief Judicial Magistrate initially called for a report on 29th September, 2022. The learned Magistrate rightly observed that the allegations pertained to non-cognizable offences under Sections 341, 114, and 120B of the IPC, and finding no special ground to warrant a police investigation, rightly rejected the prayer under Section 156(3) of the Cr.P.C.

4. Subsequently, in February 2023, the learned 5th Judicial Magistrate, Sealdah, examined the complaint on oath under Section 200 of the Cr.P.C., noted a *prima facie* case, took cognizance of the cognizable offences, and issued process against the petitioners. Aggrieved by the initiation and continuance of the proceeding, the petitioners approached this Court by filing the instant revisional application on 5th April, 2024. This Court entertained the matter and passed an interim order

staying further proceedings of Case No. C/386 of 2022, initially up to 31st August, 2024.

5. However, what transpired thereafter paints a disturbing picture and lays bare a total lack of diligence on the part of the petitioners. The records reflect that after securing the protective umbrella of an interim stay in August 2024, the matter was listed before this Court on multiple occasions, but the petitioners remained persistently absent. Even today, when the matter is called on for hearing, none appears to represent the petitioners, nor is any accommodation prayed for on their behalf.

6. It is a well-settled principle of jurisprudence that an interim order of stay is granted to protect a litigant from irreparable loss during the pendency of a matter, on the premise that the litigant is keen to prosecute the matter with due diligence. It was never intended to be an instrument in the hands of a party to indefinitely stall trial proceedings while continuously abstaining from pursuing their own challenge. A litigant who seeks equity and invokes the extraordinary and inherent jurisdiction of this Court must display procedural bona fides. Here, the petitioners obtained a stay of the criminal trial back in 2023/2024 and have since chronically absented themselves from court proceedings, undermining the administration of justice.

7. The Hon'ble Supreme Court has time and again emphasized that criminal proceedings ought not to be stalled lightly by granting blanket interim stays and where interim orders are granted, the parties must assist the court for an expeditious disposal on merits. In this context, the timeless wisdom of the Apex Court in the landmark decision of ***State of Bihar v. P.P. Sharma, reported in 1992 Supp (1) SCC 222***, assumes profound significance, wherein the Hon'ble Supreme Court authoritatively observed:

> *"The staying of criminal proceedings demoralizes the society and puts the administration of criminal justice out of gear. It casts a serious cloud on the working of the judicial system... Criminal proceedings ought not to be stalled lightly or interfered with routinely by granting blanket interim stays, particularly when the matter is kept pending indefinitely without active prosecution by the applicant."*

8. Furthermore, in ***Asia Resurfacing (P) Ltd. v. CBI, reported in (2018) 16 SCC 299***, the Hon'ble Supreme Court reiterated the alarming consequences of prolonged stays stalling criminal trials, observing that an interim stay granted in civil or criminal proceedings ought not to be open-ended and must be prosecuted diligently, failing which the trial must proceed unhindered.

9. Parties must assist the Court for expeditious disposal of matters on merits. As observed by the Apex Court, the unbridled stay of criminal proceedings demoralizes

society and throws the administration of criminal justice out of gear, casting a serious shadow on the judicial system.

10. Looking at the conduct of the petitioners, who have eagerly enjoyed the benefit of the interim stay while choosing to abandon the active prosecution of this revisional application, I am of the considered view that the petitioners are no longer interested in prosecuting this matter. Permitting such stay practices to continue would only encourage abuse of the judicial process.
11. Accordingly, the revisional application being **CRR 1377 of 2024 stands dismissed for default**.
12. The interim order, if any, stands **vacated**.
13. The learned trial court is directed to proceed with Case No. C/386 of 2022 in accordance with law from the stage it was stayed, without granting unnecessary adjournments to either of the parties.
14. Let a copy of this order be communicated to the learned trial court immediately for information and necessary compliance.
15. Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance with requisite formalities

(Uday Kumar, J.)