

In Re: **Biswajit Chetterjee & Anr.**

...petitioner

Ms. Saayema Mojib,
Ms. Soumi Sain.

.... For the petitioner.

The instant revisional application has been filed at the behest of the accused seeking quashing of criminal proceeding being GR Case No.1279 of 2005 pending before the learned Additional Chief Judicial Magistrate at Bidhannagar, arising out of Bidhannagar (North) Police Station case No.154/1996 dated October 17, 1996 under Sections 468/472/471/420/403/409 and 120B of the Indian Penal Code. The case was investigated by the police which ended in a charge-sheet dated December 27, 1999.

It is submitted on behalf of the petitioner that since the submission of charge-sheet in 1999, the case has been fixed for several reasons before the learned Jurisdictional Court. The trial has not yet commenced. The learned Advocate for the petitioner refers to an order dated December 21, 2024. The learned Advocate for the petitioner seeks quashing of the entire criminal proceeding in connection with the GR Case No.1279 of 2005 on the ground of delay in the commencement of the trial.

Having heard the learned Advocate for the petitioner and upon going through the materials on record it transpires that the case was started in the year 1996. The charge-sheet was submitted in the year 1999. The order dated December 21, 2024 demonstrate

that the Jurisdictional Court was not able to transfer the case for disposal as the case diary of the police case went missing and was not traceable.

By such order the learned Jurisdictional Court directed the learned Additional Public Prosecutor to make a comprehensive report with regard to the searching out of the case diary which went missing while transmission, as reported to the learned Jurisdictional Court.

Thereafter, the case was fixed on June 18, 2025 awaiting the report from the learned Additional Public Prosecutor. The case was again adjourned on such date to December 9, 2025 awaiting report.

From the materials on record it transpires that the FIR was lodged under Sections 468/472/471/420/403/409 and 120B of the Indian Penal Code. The record reveals that the Trial could not commence as the case diary of the case went missing.

To my opinion, the criminal case cannot be quashed merely on the ground that the case diary and the police report of the case were not traceable. However, it would be appropriate to request the learned Additional Chief Judicial Magistrate at Bidhannagar to try and dispose of the criminal proceeding being GR Case No.1279 of 2005 as early as possible. No doubt the learned Jurisdictional Court shall take all endeavours for tracing out the case diary and/or proceed with the trial of the case as early as possible on the basis of a copy of the case diary preserved with the police authority, if so required, in accordance with law.

With such observation CRR 5033 of 2025 is disposed of.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(MD. SHABBAR RASHIDI, J.)