



2025:CHC-AS:1826

11.04.2023

Sl. No.20.

D/L.

Mithun.

Ct.No.42.

CRR/3778/2022

Rakhi Mitra & Anr.

Vs.

The State of West Bengal

Mr. Krishnendu Bhattacharya, Adv.

Mr. Sukanta Ghosh, Adv.

Mr. Priyankar Ganguly, Adv.

...for the petitioner.

The petitioner has prayed for quashing of a criminal proceeding being G.R. Case No.388 of 2021 under Sections 283/188 of the Indian Penal Code on the ground that in respect of the said case FIR was registered on 29th March, 2021. Charge-sheet was filed on 5th April, 2022 and the learned Magistrate took cognizance of offence on 19th June, 2022.

Since charge-sheet was filed within the statutory period of time, petitioners were entitled to be released under Section 167(5) of the Code of Criminal Procedure. Moreover, the case is barred under Section 468 of the Code of Criminal Procedure.

The instant revision is admitted.

Petitioners are directed to serve notice upon the private opposite party under registered speed post with acknowledgment due and file affidavit of service within three weeks from the date of this order.

The State of West Bengal be served through the learned Public Prosecutor, High Court, Calcutta.

In the meantime, further proceeding in connection with G.R. Case No.388 of 2021 be stayed till two weeks after Summer Vacation.

Liberty to mention.

(Bibek Chaudhuri, J.)



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