

24.09.2021
tkm/ct 29
sl no. 7

**C.R.R. No. 224 of 2010
(Via video conference)**

In Re : Subrata Halder

.....petitioner

Mr. Bidyut Kr. Roy

..... for the State

The criminal revision under section 401 read with section 482 Cr.P.C is listed today for hearing.

On call none appears for the petitioner.

Mr. Bidyut Kr. Roy, learned advocate appears for the State. Concerned authority is requested to regularize his appointment in the matter.

It appears from the record that the earlier order directing the petitioner to cause service of the application upon the State and the opposite party nos. 2 and 3 has not been complied yet.

The criminal revision is of the year 2010 and I am not inclined to extend further accommodation to the petitioner regarding compliance.

The application is taken up for consideration.

The petitioner has challenged the order dated 31.10.2009 passed by the JM 3rd Curt, Diamond Harbur in Complaint Case no. C-125 of 2009 whereby the learned Magistrate allowed the prayer of the opposite party nos. 2 and 3 under section 205 Cr.P.C dispensing their personal attendance in the case. The petitioner being the complainant has come before the court praying for setting

aside the impugned order passed by the learned magistrate where the personal attendance has been dispensed with.

On traversing the order, it appears that the learned Magistrate committed no error or illegality in dispensing with the attendance of two accused persons in view of their age.

Under such circumstances, I find no reason to interfere with the order and the prayer for setting aside the order is dismissed.

Accordingly, the criminal revision is dismissed.

Let a copy of this order be sent to the learned Judicial Magistrate, 3rd Court, Diamond Harbour for incorporation in the record of C-125 of 209.

Urgent photostat certified copy of this order be given to the parties upon compliance of requisite formalities.

(Ananda Kumar Mukherjee, J.)