

13.08.2021

Item No.9
Ct.No.34
dc.

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION**

C.R.R. 406 of 2012
(Via Video Conference)

Rezwan Hussain
versus
The State of West Bengal & Anr.

In Re: An Application under Section 482 of the Code of Criminal Procedure, 1973.

This revisional application was preferred against the order dated 02.01.2012 passed by learned Additional Sessions Judge, 1st Court, Purulia in connection with Criminal Revision No. 32 of 2011. By the said order, the learned sessions court was pleased to set aside the order dated 06.06.2011 passed by learned Executive Magistrate, Purulia in Misc. Case No. 253 of 2011 in a proceeding under Section 145 of the Code of Criminal Procedure.

I have perused the order passed by the learned Sessions Judge. I find that the learned Sessions Judge has assigned cogent grounds and has specifically observed that the learned Executive Magistrate did not give the other side any opportunity to file written statement and unilaterally passed the order which is in the nature of under Section 144 of the Code of Criminal Procedure and not contemplated under Section 145 of the Code of Criminal Procedure. By assigning such reasons, the learned Sessions Judge set aside the order passed by the learned Executive Magistrate.

Having regard to the reasons so assigned by the learned sessions court while setting aside the order of the learned Executive Magistrate, I am of the view that the said reasonings are logical and as such, the same do not call for any interference by this Court any further.

Accordingly, CRR 406 of 2012 is dismissed.

Interim order, if any, is hereby vacated.

All pending applications, if any, are consequently disposed of.

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

(Tirthankar Ghosh, J.)