

09.09.2021
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sl no. 13

**C.R.R. No. 313 of 2010
(Via video conference)**

In Re : Sk. Sirajuddin

.....petitioner

Mr. Rana Mukherjee

..... for the State

The matter is fixed today for hearing as “Contested Application”.

Mr. Rana Mukherjee, learned advocate appears for the State. Concerned authority is requested to regularize his appointment in the matter.

None appears for the petitioner and the respondent no. 2.

This is an application under section 401 read with section 482 Cr.P.C arising out of order dated 10.12.2009 passed by the learned Sessions Judge, Howrah in Criminal Revision no. 234 of 2009 whereby the order dated 26.11.2009 passed by the learned S.D.M (Executive), Howrah passed in M.P Case no. 168 of 2009 was not stayed.

Learned advocate for the State submits that the present application is not maintainable. On the face of the impugned order passed by the learned Sessions Judge it appears that this is an inter locutory order and date for hearing was fixed on 8.2.2010. It is vehemently contended that no criminal revision lies against an interlocutory order and the same is liable to be dismissed.

Considered the submission, perused the impugned order dated 10.12.2009 passed by the learned Sessions Judge, Howrah

in Criminal Revision no. 234 of 2009, wherein it was observed that he did not want to proceed further without hearing both sides and fixed the matter on 8.2.2010 for hearing. The impugned order is purely an interlocutory order without any definite finding on the issue. Therefore, the criminal revision is not maintainable and the same is liable to be dismissed. It is to be noted that no affidavit of service has been filed by the petitioner in this case.

The revisional application is, therefore, dismissed.

Let copy of this order be sent to the court of learned Sessions Judge, Howrah for information.

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

(Ananda Kumar Mukherjee, J.)