

13.09.2021
Ct. No. 29
sdas
10

CRR No. 411 of 2010

In Re : An application under Section 482 read with Section
401 of the Code of Criminal Procedure, 1973.

and
In Re : Sadikul Sk. petitioner

Mr. Rana Mukhrjee, learned A.P.P.
Mr. Pravas Bhattacharya

.... for the State

This criminal revisional application is listed today for
hearing as “Contested Application”.

Affidavit-of-service is not found in the record.

On repeated calls none appears for the petitioner as well
as for opposite party no. 2.

Mr. Mukherjee, learned Additional Public Prosecutor and
Mr. Bhattacharya, learned Counsel represent the State in this
case. Concerned authority is directed to regularise their
appointments in this case.

This criminal revisional application under Sections 482
and 401 of the Code of Criminal Procedure has been taken up for
consideration. Criminal revision has been directed against the
order dated 30.12.2009 passed by the learned Additional Chief
Judicial Magistrate, Kandi, Murshidabad, in Kandi Police Station
Case No. 460 of 2009 dated 30.09.2009 under Sections

363/366/366A/380 of the Indian Penal Code in connection with G.R. No. 1294 of 2009.

Peruse the application for criminal revision as well as the impugned order dated 30.12.2009. The accused/petitioner has come before this Court praying or setting aside the order dated 30.12.2009 and for making over the custody of the victim girl to him.

Learned Additional Public Prosecutor appearing for the State submits that in the impugned order learned Magistrate has rejected the prayer of the accused/petitioner to make over the custody of the victim girl to him. It is further submitted that there is no irregularity in the order as the victim girl was minor and the case of kidnapping was registered against the accused/petitioner at the instance of the mother of the victim girl.

I have considered the materials in the record as well as the submission made by the learned Prosecutor. I find no irregularity in the impugned order whereby learned Magistrate refused the prayer of the accused/petitioner in handing over the victim girl to him on the basis of his alleged claim that she was his married wife. Accordingly, application for criminal revision suffers from no illegality and requires no interference.

The criminal revisional application is, thus, dismissed on merit.

Let a copy of this order be sent to the court of the learned Additional Chief Judicial Magistrate, Kandi, Murshidabad, for necessary information.

Urgent photostat certified copy of this order, if applied for, be supplied to the applicant expeditiously after complying with all necessary formalities.

(Ananda Kumar Mukherjee, J.)