

10.09.2021
item No.23
n.b.
ct. no. 34

CRR 623 of 2011

(via video conference)

**Sujata Das.
-Vs-
State of West Bengal & Anr.**

The revisional application has been filed challenging the order dated 26.11.2010 passed by the ACJM, Diamond Harbour.

I find from the records that the learned Magistrate was perturbed by some part of the evidence so adduced by the present petitioner. The comments in the said judgment should not be part of a judicial order.

Having regard to that I am of the view that the petitioner's contention should be accepted.

Accordingly, the judgment and order dated 26.10.2010 is hereby set aside and the matter is remanded to the learned Chief Judicial Magistrate, Diamond Harbour for fresh consideration. The learned Magistrate should re-appreciate the evidence and come to a fresh finding.

Accordingly CRR 623 of 2011 is allowed.

Pending connected applications, are disposed of.

Interim order, if any, is hereby vacated.

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

(Tirthankar Ghosh, J.)