

18.06.2021
Item no.13
Ct. No.34
CHC

C.R.R. No.738 of 2010
IA NO: CRAN/1/2010 (Old No. CRAN/2415/2010)
CRAN/2/2011 (Old No. CRAN/1148/2011)
(not in file)
CRAN/3/2012 (Old No. CRAN/1829/2012)
CRAN/4/2012 (Old No. CRAN/3300/2012)
CRAN/5/2013 (Old No. CRAN/3482/2013)
(not in file)
(Through video Conference)

In Re: An application under Section 482 read with Sections 397 and 401 of the Code of Criminal Procedure.

AND

In the matter of:-

Subhasish Bhattacharjee
... petitioner

Mr. Iqbal Hussain
...for the opposite party no.3

Mr. Swapan Banerjee,
Mr. Suman De
...for the State

The revisional application has been preferred against the order dated 16.01.2010, wherein the learned Judicial Magistrate, 7th Court, Howrah was pleased to reject the prayer under Section 311 of the Code of Criminal Procedure advanced on behalf of the complainant.

The ordersheet reflects that opportunity was granted to the complainant for producing the witnesses and/or relying upon documents. Unfortunately, such prayer was advanced at a stage when examination under Section 313 of the Cr.P.C. of the

accused persons were over. Although, there is no bar for allowing the application under Section 311 of the Code of Criminal Procedure at the relevant stage. But having regard to the facts of the case and the time so consumed, I do not find that there was any illegality from the part of the learned Magistrate in refusing the prayer so advanced at that stage.

Accordingly, the revisional application do not call for any interference. As such, the CRR 738 of 2010 is dismissed. All connected applications are accordingly disposed of. Interim order, if any, shall be vacated.

Department is directed to tag the connected CRAN applications along with this case.

All parties shall act in terms of copy of this order downloaded from the official website of this Court.

(Tirthankar Ghosh, J.)