

25.08.2021

Item No.5
Ct.No.34
dc.

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

C.R.R. 941 of 2012
(Via Video Conference)

Mirza Mahabub Alam
versus
Nur Mohammad Ali Mallick

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

This revisional application was preferred challenging the proceedings being Complaint Case No. C/151 of 2010. The petitioner approached this Court at the very initial stage of the case. The documents enclosed along with the revisional application reflect that there was a civil suit pending before the learned Civil Judge (Jr.Div.), 1st Court, Katwa.

On perusal of the records of the revisional application, it reveals that the main thrust of the argument was pendency of the civil proceedings and regarding the truthfulness or falsity of the allegations made in the petition of complaint. Having regard to the contentions advanced by the petitioner, I am of the view that the same is question of facts and bare pendency of the civil proceedings does not bar the criminal court to proceed with the case. Accordingly, no interference is called for.

The revisional application being CRR 941 of 2012 is, thus, dismissed.

Interim order, if any, is hereby vacated.

All pending connected 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.)