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C.R.R.1642 of 2011

In the matter of : Basanti Das ...petitioner.

Mr. Binay Kumar Panda
Mr. Narayan Prasad Agarwal
...for the State.

Mr. Binoy Kumar Panda along with Mr. Narayan Prasad Agarwal, learned Advocates who usually appear on behalf of the State are requested to appear in this revisional application.

Learned Legal Remembrancer is requested to regularize the appointment of Mr. Binoy Kumar Panda and Mr. Narayan Prasad Agarwal learned advocates in due course.

Learned Advocate on behalf of the State, opposite party no. 1, it is submitted that this revisional application was directed against the order dated 5.3.2011 passed by the learned Judicial Magistrate, 2nd Court at Contai, District-East Medinipore in connection with C.R.Case No. 210 of 2009.

Learned Advocate on behalf of the State submits that there is no illegality in the order challenged in this revisional application.

After careful perusal of the order No. 18 dated 05.03.2011, I find that the learned Magistrate refused the application under Section 311 of the Cr.P.C. as the learned Magistrate already found, prima facie case against accused under Sections 457/325/379/506/34 of the Indian Penal Code and issued process accordingly.

It is also found from the order itself that initially the application under Section 156(3) of Cr.P.C. was filed on behalf of the complainant but the learned Magistrate instead of referring the same to the police station took cognizance of the matter and after examining the complainant and witnesses under Section 202 of Cr.P.C. issued process against the accused.

Considering the aforesaid facts and circumstances of this case, I do not find any scope to interfere with the order which is neither illegal nor irregular.

That apart, parties did not take any step after 22.6.2011.

In the aforesaid view of the matter, I find no reason to continue with this revisional application further.

Thus, the revisional application stands dismissed.

The learned Registrar (Judicial Services) is requested to communicate this order to the learned Judicial Magistrate, 2nd Court, Contai, District-East Midnapore forthwith.

(Bibhas Ranjan De, J.)