

CRR 1568 of 2021

In re : An application under Section 397 read with Section 482 of the Code of Criminal Procedure, 1973.

In the matter of : **Prasanta Mukherjee**

..... petitioner

Mr. Rajendra Banerjee

....For the petitioner

Ms. Sukanya Bhattacharyya

Mr. Mirza Firoz Ahmed Begg

.....For the State

The petitioner entered into an agreement for sale, with the opposite party no. 2, for the sale of a land on February 6, 2019. The petitioner advanced a sum of Rs.20,00,000/- (Rupees Twenty Lakh) against the total consideration of Rs.26,00,000/- (Rupees Twenty Six Lakh) to be paid to the opposite party no. 2.

The petitioner lodged an F.I.R. against the opposite party no. 2, which has been registered as Baruipur Police Station Case No. 1083 of 2019 under Sections 420/406 of the Indian Penal Code, 1860, in connection with the said agreement for sale.

The opposite party no. 2 was granted anticipatory bail by the learned Sessions Judge, 24-Parganas (South), in connection with the said case on August 17, 2019.

While granting the anticipatory bail to the opposite party no. 2, learned Sessions Judge directed him to refund the money advanced by the petitioner as per the said agreement for sale.

It has been submitted by the learned advocate appearing for the petitioner that the petitioner has filed a suit for specific performance of the said agreement for sale dated February 6, 2019, and obtained an injunction in his favour. He is not

interested in getting the money back. He wants specific performance of the agreement dated February 6, 2019.

Being aggrieved by the condition imposed by the learned Sessions Judge while granting the anticipatory bail on August 17, 2019, the petitioner moved this Court by filing a revisional application being CRR 3457 of 2019, seeking modification of the said order.

A co-ordinate bench of this Court on November 27, 2019, on that application granted the petitioner liberty to prefer an application before the learned Sessions Judge, Alipore, 24-Parganas (South) for variation/cancellation of the condition of bail granted to the opposite party no. 2.

It has been averred in this application that following the said liberty granted by this Court, the petitioner filed an application on January 3, 2021, for variation/cancellation of the condition of the bail before the learned Sessions Judge, 24-Parganas (South).

It is the grievance of the petitioner that the said application has not yet been decided on merit.

In the aforesaid factual backdrop, I feel that it is just and proper to dispose of this revisional application with a direction upon the learned Sessions Judge in the Court below to dispose of the said application for modification of the order dated August 17, 2019, within a period of two months from date.

The revisional application being **CRR 1568 of 2021** is disposed of.

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

(Kausik Chanda, J.)