

24.08.2021
Item no.10
Ct. No.34
CHC

C.R.R. No.1811 of 2018
(Via Video Conference)

In Re: An application under Section 482 of the Code of Criminal Procedure, 1973.

AND

In the matter of:-

Achintya Kumar Bera & anr.
... petitioners

Mr. Balaram Pandit
...for the petitioners

Mr. Imran Ali,
Mr. M.F.A. Begg
...for the State

Learned advocate for the petitioners submits that the Court issuing the process being the learned Judicial Magistrate, 3rd Court, Contai, Purba Medinipur is lacking jurisdiction in trying the case. Issue to that effect was brought to the notice of learned court. However, learned court refused to entertain the same.

Records of the revisional application reflects that on 08.05.2018, the learned advocate appearing for the opposite party no.1 insisted that summons may be sent to Gujrat which was considered by the learned Magistrate. Learned Magistrate categorically recorded that it has further revealed from the records that the opposite party no.1 received the summons of the

OPW 2 as his father. I find that the order was restricted on the point of issuance of summons. Learned Court on 30.07.2018 fixed date for appearance of both the opposite parties. The revisional application was filed under Section 482 of the Code of Criminal Procedure in the year 2017 and being aggrieved by the order dated 08.05.2018 opposite parties (therein) have approached this Court. Pursuant to the order dated 21.12.2020 passed by a coordinate Bench, Mr. Begg, learned advocate appearing for the State has submitted a report which reflects that the wife/applicant before learned court below has received the copy of the revisional application. However, today when the matter has been called, none represented her before this Court.

It has been brought to my notice that evidence of the case is in progress.

Report so submitted be kept with the record.

In view of such submission being advanced, I am of the opinion that no interference is called for at this stage. However, the petitioners before this Court will be at liberty to take up the points canvassed in the revisional application at the stage of final argument of the case.

Accordingly, C.R.R.1811 of 2018 is dismissed.

Pending application, if any, is consequently disposed of.

Interim order, if any, is hereby vacated.

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

(Tirthankar Ghosh, J.)