

Sr.43
09-09-2021
Subha.
Court no. 34

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION
APPELLATE SIDE
(Via Video Conference)**

CRR 1943 of 2012

In the matter of : Shyam Sundar Saluja
.petitioner.

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

The revisional application was preferred in connection with order dated 05.05.2012 passed by the learned Metropolitan Magistrate, Calcutta arising out of a complaint case no. C/1111/07 under Section of the Negotiable Instruments Act.

The order dated 05.05.2012 reflects that pursuant to an order of acquittal passed by the learned Magistrate, the complianant preferred an appeal before the learned Sessions Court. The learned Sessions court by its judgement and order dated 3rd March, 2012 was pleased to set aside the judgement and order of acquittal passed by the learned Magistrate and directed the learned Magistrate to dispose of the compliant case by hearing fresh argument.

Consequently, on 05.05.2012 when the record reached the learned Magistrate, the accused preferred an application

under Section 311 of the Code of Criminal Procedure and the learned Magistrate rejected the same.

Having regard to the observations passed by the learned appellate court which categorically admitted to hear the argument afresh and then passed a fresh judgement, I am of the view that the order of rejection of the application under Section 311 of the Code of Criminal Procedure filed at the instance of the present petitioner was rightly rejected by the learned Magistrate.

As such, the present revisional application being CRR 1943 of 2012 is dismissed.

All pending applications, if any, in connection with revisional application, are consequently disposed of.

Interim order, if any, is hereby vacated.

All parties are to act on the server copy of this order duly downloaded from the official website of this court.

(Tirthankar Ghosh, J.)