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(Via Video Conference)

CRR 2255 OF 2003

In Re: - An application under Sections 397/401 read with Section 482 of the Code of Criminal Procedure, 1973.

And

In the matter of: M/s. Tata Finance Ltd.

.... Petitioner

Mr. Amitava Mitra

Ms. Sayani Bhattacharya.

...for the Petitioner

Affidavit-of-service, filed in Court today, be kept with the records.

Mr. Amitava Mitra, counsel appearing on behalf of the petitioner submits that this is a fit case for remand to the 17th Metropolitan Magistrate, Calcutta (hereafter the Magistrate) after setting aside the order dated August 13, 2002.

Mr. Mitra submits that the court dismissed the matter on the ground that requisite had not been filed in compliance with the court's order. He relies on Annexure-P₂ of the petition at page 29 to indicate that the requisite had been filed on April 11, 2002 and the same was missed by the Magistrate. Accordingly, he prays that the order dated August 13, 2002 be set aside and the matter be remanded to the Magistrate.

Upon considering the submissions made, I am of the view that the impugned order is required to be set aside as the Magistrate ignored a document that had already been filed by the petitioner.

Accordingly, the order dated August 13, 2002 is set aside and the Magistrate is directed to proceed in accordance with law.

The revisional application is disposed of.

Photostat certified copy of this order, if applied for, be furnished upon compliance of all formalities.

(Shekhar B. Saraf, J.)