

29.09.2021
Ct No. 34
SL. No. 7
Somnath (PA)

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

CRR 3263 of 2012

Sri Madhab Ch. Maity
Versus
Smt. Sima Maity & Anr.

In Re: An application under Section 401 read with Section 482 of the Code of Criminal Procedure, 1973

The present revisional application has been preferred against the order dated 31.07.2012 passed by the Learned Additional District and Sessions Judge, Contai in Criminal Revision No. 28 of 2010 wherein the Learned Sessions Judge was pleased to dismiss the revisional application and affirmed the order dated 03.08.2010 passed by the Learned Judicial Magistrate, 3rd Court, Contai in Misc. Case No. 78 of 2010.

Records reflect that the present petitioner filed an application for stay of the proceeding under Section 125 of the Cr.P.C. before the Learned Magistrate, as a civil suit was pending between the parties before the Civil Judge (Junior Division), 1st Court, Contai. The Learned Magistrate granted

several opportunities for filing written objection but the present petitioner could not file the same. As such the Learned Magistrate rejected the stay petition so preferred and disposed of the same.

Having scrutinized the order, passed by the Learned Additional Sessions Judge, Contai, I am of the view that the Learned Revisional Court assessed the order of the Learned Magistrate and thereafter arrived at its finding as such no interference is required.

Thus, CRR 3263 of 2012 is dismissed.

Pending application, if any, is disposed of.

Interim order, if any, is hereby vacated.

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

(Tirthankar Ghosh, J.)