

Form No. J(2)

IN THE HIGH COURT AT CALCUTTA

CRIMINAL REVISIONAL JURISDICTION

Present:

The Hon'ble Justice Jay Sengupta

CRR 297 of 2021

CRAN 1 of 2021

M/s. Williamson Financial Services Ltd. & Ors.

Vs.

The State of West Bengal & Anr.

For the Petitioners : Mr. Soumya Nag,
Mr. Ritoban Sarkar,
Mr. Subhadeep Adhikari

For the Opposite party No. 2 : Ms. Subhasree Patel,
Mr. Rupraj Banerjee

For the State : Mr. Prasun Kr. Datta,
Mr. Nirupam Dhali.

Heard on : 30.03.2022

Judgment on : 30.03.2022

Jay Sengupta, J.:

This is an application challenging an order dated 4th January, 2021 passed by the learned Chief Judge, City Sessions Court, Calcutta in Criminal Revision No.52 of 2020 so far as the imposition of a cost of Rs.50,000/- upon the petitioners as a condition precedent for admitting the revision petition is concerned.

Learned Counsel appearing on behalf of the petitioner submits as follows. The learned Trial Court had allowed the application under Section 205 of the Code filed by the petitioners, but imposed a condition that the accused shall be personally present at the time of recording plea, during the examination of Section 313 of the Code and at the time of delivery of judgment. Aggrieved by this, the petitioners filed a revision petition before the learned Chief Judge, City Sessions Court, Calcutta in Criminal Revision No.52 of 2020. So far as one of the orders by which the petitioner was aggrieved is concerned, there was a delay of about 80 days in preferring the revision. Accordingly, an application for condonation of delay was filed. However, the learned revisional Court was pleased to hold that the revision would be admitted subject to the payment of Rs.50,000/-. Imposition of Cose was not warranted at all in the facts and circumstances of the case.

Learned Counsel appearing on behalf of the complainant/opposite party submits as follows. The complainant has no problem if the cost imposed by the learned revisional Court is set aside. What is important for the complainant is that the revision petition filed by the petitioners is heard out expeditiously.

I have heard the submissions of the learned counsels appearing on behalf of the petitioners and the complainant/opposite party and have perused the revision petition and the impugned order.

It appears that there was a delay of about 80 days in preferring the revision petition before the learned Sessions Judge. An application was filed in this regard.

I find no justification for the learned revisional Court to have imposed a cost of Rs.50,000/- while admitting the criminal revisional application.

Accordingly, the imposition of cost of Rs.50,000/- on the petitioners for admission of the criminal revision as contained in the impugned order dated 04.01.2021 passed by the learned Chief Judge, City Sessions Court, Calcutta in Criminal Revision No.52 of 2020 is set aside.

The learned revisional Court shall hear out the revisional application along with the connected application as expeditiously as possible without granting any unnecessary adjournment to any of

the parties.

With the above observations, the revisional application is disposed of.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)

NB