

01.08.2022

Item No.101

Ct.No.34

dc.

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION**

C.R.R. 484 of 2009

**Soma Ghosh (nee Sengupta)
versus
The State of West Bengal & Ors.**

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

Mr. Sourav Chatterjee ... For the Petitioner.

Mr. Aniket Mitra ... For the State.

Mr. Chatterjee, learned advocate appearing for the petitioner submits that earlier on 21.07.2022 there was a direction for the present revisional application to appear along with CRR 1736 of 2007. Accordingly, records of CRR 1736 of 2007 was called and on perusal of the same, it reflects that on 18.05.2009, the said revisional application was dismissed for non-prosecution as there was submission on behalf of the petitioner therein that there has been compromise or settlement between the parties.

Mr. Chatterjee, learned advocate for the petitioner is unable to apprise this Court as to whether any compromise or amicable settlement has been effected between the parties.

As none appears on behalf of the State, Mr. Aniket Mitra, learned advocate is directed to represent the State. His appointment may be regularized by the concerned authorities.

On scrutiny of the contentions advanced in this revisional application, it reflects that the main grievance of

the petitioner was that the evidence should not be progressed prior to CRR 1736 of 2007 being disposed of by the Hon'ble High Court. Such contention was not accepted by the learned Magistrate in view of the fact that earlier there was a direction under Section 483 of the Code of Criminal Procedure by the Hon'ble High Court for expeditious disposal of the case.

As is presently seen from the records of both the cases that CRR 1736 of 2007 was not proceeded with and was dismissed for non-prosecution by an order dated 18.05.2009, so far as the merits of the present revisional application is concerned, the same does not call for any interference in the changed circumstances. In case, the settlement has not been effected, learned Magistrate would exercise his own discretion for implementing his order as there is no further order of this Court existing or any direction upon the learned Magistrate to proceed in a particular manner.

With the aforesaid observations, the revisional application being CRR 484 of 2009 is disposed of.

Interim order, if any, is hereby vacated.

All pending connected applications, if any, are consequently disposed of.

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

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Tirthankar Ghosh, J.)