

CRR 398 of 2016

Aditya Mandal & Ors. –vs-Mantu Sarkar & Anr.

An application under Article 227 of the Constitution of India
Mr. Sandip Chakraborty
....for the State.
None appears on behalf of the petitioners.

Mr. Sandip Chakraborty , learned advocate, who generally appears on behalf of the State, is requested to appear in this case on behalf of opposite party No. 2, State of West Bengal. The concerned authority is requested to regularize his appointment.

The present revisional application has been filed by the petitioners challenging the order dated 17.12.2015 passed by the learned Additional Sessions Judge, Fast Track Court No. II, Islampur, District-Uttar Dinajpur in Criminal Revision No. 11 of 2014 affirming the order dated 6.12.2013 passed by the learned Sub-Divisional Executive Magistrate, Islampur, District-Uttar Dinajpur.

The factual matrix of the case is that the opposite party no. 1 filed an application against the petitioners under Section 145 of the Code of Criminal Procedure. The Sub-Divisional Magistrate passed an order dated 6.12.2013 in favour of opposite party no. 1. The aforesaid order was affirmed by the Additional Sessions Judge, Fast Track Court No. II, Islampur, District-Uttar Dinajpur.

Mr. Sandip Chakraborty, learned advocate for the State submits that there is no infirmity in the impugned order and as such the revisional application is liable to be dismissed.

Upon going through the impugned order, it appears that challenge was thrown to the order passed by the learned Executive Magistrate on the ground that opportunity was not given to the petitioners to place their case. On going through the order of the Executive Magistrate dated 6.12.2013, it appears that on several occasions, the petitioners prayed for adjournment to file written statement and opportunity was given to them to submit written statement. However, in spite of getting opportunities as the petitioners failed to take steps the Executive Magistrate passed an order in their absence. The aforesaid fact has been duly taken into consideration by the learned Additional Sessions Judge, Fast Track Court No. II, Islampur, District-Uttar Dinajpur while disposing of the revisional application.

In view of the aforesaid backdrop, the impugned order dated 17.12.2015 passed by the learned Additional Sessions Judge, Fast Track Court No. II, Islampur, District-Uttar Dinajpur does not call for interference.

Accordingly, the revisional application stands dismissed.

All connected applications stand disposed of.

Interim order, if any, stands vacated.

Urgent photostat certified copy of this order, if applied for, be supplied expeditiously after complying with all necessary legal formalities.

(Bivas Pattanayak, J.)