

Form J(2)

**IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction
Appellate Side**

**Present :
The Hon'ble Justice Bibek Chaudhuri**

CRR 1290 of 2022

**Subham Roy Choudhury
Vs.
The State of West Bengal**

For the petitioner: Mr. Ajoy Roy Choudhury

Item No.02.

Heard & Judgment on: 05.07.2022

Bibek Chaudhuri, J.

The instant revisional application arises on receiving a notice by the petitioner in M. Execution Case No.67 of 2022 dated 23rd March, 2022. The petitioner has prayed for setting aside the said notice passed in M. Execution Case No.67 of 2022.

It is submitted by Mr. Roy Choudhury, learned advocate for the petitioner that in M. Case No.515 of 2016 the petitioner made some false and fabricated statement which according to the present petitioner amounts to perjury and a proceeding under Section 340 of the Code of Criminal Procedure was initiated by the petitioner. This Court in another revisional application passed an order on 12th April, 2021 directing the trial Court to dispose of the proceeding under Section 340 of the Code of Criminal Procedure. Now, the instant revision is for setting aside the notice of M. Execution Case No.67 of 2022 arising out of the main petition being M. Case No.515 of 2016.

On the facts and circumstances stated above, this Court cannot set aside the notice in M. Execution Case No.67 of 2022. The Court that deals with the proceeding under Section 340 of the Code of Criminal Procedure can, if the Court thinks fit, pass an order of stay of operation of the notice of M. Execution Case No.67 of 2022 till the disposal of the proceeding instituted by the petitioner under Section 340 of the Code of Criminal Procedure.

In view of the above order, I do not find any merit in the instant revision and accordingly, the instant revision is dismissed

summarily. However, this order will not debar the petitioner to make similar prayer in the appropriate Court of law.

(Bibek Chaudhuri, J.)