

Item No.11
Ct.No.34
dc.

C.R.R. 1407 of 1997

Jognanath Bhattacharyya & Anr.
versus
The State & Ors.

In Re: An Application under Sections 397/401/482 of the Code of Criminal Procedure.

Mr. Kallol Mondal,
Mr. Krishan Ray,
Mr. Laxminath Bhattacharya ... For the Petitioners.

Mr. Arijit Ganguly,
Mr. Sandip Chakraborty ... For the State.

Records of this revisional application reflect that by an order dated 12.02.1996 passed in Criminal Revision No. 2033 of 1995 this Court was pleased to direct, inter alia, as follows:

“The learned Magistrate shall appoint some Advocate as Commissioner who shall deliver possession of the contents of almirah from the custody of police in presence of the learned counsel for the petitioners. The cost of the commissioner shall be borne by the petitioners.”

The order under challenge i.e. 19.04.1997 passed by the then learned Sub-Divisional Judicial Magistrate, Diamond Harbour, 24-Parganas (South) in G.R. Case No. 790 of 1994 reflects that there was a dispute regarding whether it is the steel almirah alone or the contents of the steel almirah. None of the parties are allowed to make an analysis of the same in view of the order passed by this Court.

The learned Magistrate will appoint a Commissioner who would reopen the almirah, make an inventory and submit a report before the court and thereafter, the learned Additional Chief Judicial Magistrate, Diamond Harbour will proceed in accordance with law as per the order passed by this Court on 12.02.1996 in Criminal Revision No. 2033 of 1995.

With the aforesaid observations, the present revisional application being CRR 1407 of 1997 is disposed of.

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.)