

6.05.2022
S.D.
15.

C.R.R. 1832 of 2015

Sri Kamal Krishna Ghosh
Vs.
Siddhartha Saha & Anr.

Mr. Swapan Banerjee

Mr. Suman De

....For the State.

The matter has been listed for the second time, but none appears for the petitioner.

Administrative notice was issued upon the petitioner through the department.

As per the report, it is found that notice was delivered to the petitioner. The report also indicates that notice was issued to opposite party no.1, but it has been reported that the consignment report does not disclose if the same has been delivered to the opposite party or not.

The report is taken on record.

The petitioner in this application has challenged the judgment dated 9.3.2015 in connection with Criminal Motion No. 46 of 2014 passed by learned Additional Sessions Judge, First Court, Hooghly arising of Criminal Complaint Case No. C.R. 179 of 2006 under Section 138 of the N.I. Act.

Perused the impugned order whereby order dated 24.1.2014 passed by learned Judicial Magistrate, 5th Court, Chinsurah in C.R. Case No. 179 of 2006 was affirmed.

Learned Magistrate dismissed the case due to absence of the complainant without steps on the date fixed for hearing. A revision was preferred against the order of the learned Magistrate. Learned Additional Sessions Judge dismissed the revision on the finding that the dismissal of the case resulted in acquittal of the accused. Therefore, the complaint had a file on appeal under section 378 (4) of Cr. P.C for setting aside the finding of learned Magistrate.

I find no illegality or irregularity in the impugned order. As such the revisional application is dismissed on its merit.

Let a copy of this order be sent to the Court of learned Additional Sessions Judge, First Court, Hooghly for information.

(Ananda Kumar Mukherjee, J.)