

05.12.2022

Item No.24
Ct.No.34
dc.

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

C.R.R. 2163 of 2021

**Barun Sharma
versus
State of West Bengal & Ors.**

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

Earlier order dated 31.10.2022, reflects that this revisional application was preferred challenging the order dated 13.09.2021 passed by learned Metropolitan Magistrate, 10th Court, Calcutta in case No. C/17482/2011.

The learned Magistrate observed specifically that since the court has dismissed the case for non-prosecution, it has become *functus officio* and as such, cannot pass any order relating to the order of attachment. The petitioner has challenged the said observations/findings of the learned Magistrate by stressing that there has been change of circumstances.

On 31.10.2022, this Court directed the petitioner and the opposite party no.2 to file a joint compromise petition enclosing the terms of agreement, the application under Section 13B of the Hindu Marriage Act and the certified copies of the orders passed by the court in seisin of the said divorce proceedings.

This revisional application appeared on 21.11.2022 when an accommodation was prayed for by the petitioner. Today, when the matter is called, none appears for either of

the parties. Having regard to the approach shown by the parties, this revisional application being CRR 2163 of 2021 is dismissed for default.

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

(Tirthankar Ghosh, J.)