

01.04. 2022
item No.49
n.b.
ct. no. 34

CRR 2648 of 2018

Ashok Prajapati
Vs.
The State of West Bengal & Ors..

The genesis of the case relates to the order dated 14.12.2017, wherein the learned Judicial Magistrate, 3rd Court, at Sealdah was pleased to dismiss the complain case being Case No.120 of 2017.

The grievance of the petitioner is that against the said order of dismissal of complaint under Section 203 of the Code of Criminal Procedure, the petitioner preferred a revisional application being Criminal Revision 8 of 2018 and the learned Additional Sessions Judge, 1st Court, Sealdah was pleased to dismiss the same as the certified copy was not enclosed. I have perused the order passed by the Judicial Magistrate 3rd Court, Sealdah and the learned Magistrate after receipt of the enquiry report under Section 202 of the Code of Criminal procedure was pleased to assess the materials which surfaced, and specifically observed that a landlord-tenant dispute wherein civil cases are pending has been converted into criminal case.

Having regard to the specific observation made by the Learned Magistrate, I am of the opinion, that no interference is called for. Learned Magistrate was justified in dismissing the complaint under Section 203 of the Code of Criminal procedure.

Accordingly, CRR 2648 of 2018 is dismissed.

All pending connected applications, if any, are consequently disposed of.

Interim order, if any, is hereby vacated.

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

(Tirthankar Ghosh, J.)