

18.07.2022

**CRR 2793 of 2015**

Ct. No. 33

***In Re:-*** An application under Sections 401 and 482 of the Code of Criminal Procedure, 1973.

Susanta Kumar Khan  
Vs.  
Benu Kumar Saudagar

Mr. Kingsuk Mondal.  
...for the OP.

None appears on behalf of the petitioner.

Mr. Kingsuk Mondal, learned advocate appears on behalf of the opposite party and submits that in the present revision, the petitioner has assailed order dated 16.06.2015 passed by the Additional Sessions Judge, Special Court, Berhampore, Murshidabad in Criminal Appeal No.02 of 2014 rejecting the prayer of the petitioner under Section 391 of the CrPC. Subsequent thereto, as the appeal has already been dismissed and as such this revisional application has become infructuous. He files a photocopy of certified copy of Order No.53 dated 17.08.2019 and judgment dated 17.08.2019 passed in Criminal Appeal No. 02 of 2014. Let it be kept with the record.

It appears that the petitioner was convicted for commission of offence under Section 500 of the Indian Penal Code in complaint case no. CR 541 of 2007. Challenging such conviction, the petitioner preferred an appeal before the learned Sessions Judge being Criminal Appeal No.02 of 2014, which was transferred for disposal to the Court of Additional Sessions Judge, Special Court, Berhampore, Murshidabad. In the said appeal, the petitioner filed an application under Section 391 of the CrPC for adducing additional evidence. The aforesaid application was dismissed by the Additional

Sessions Judge.

Being aggrieved by and dissatisfied with the said order the petitioner has preferred the present revisional application.

It is revealed from the copy of the order no.53 dated 17.08.2019 filed by the opposite party that the Criminal Appeal No. being 02 of 2014 has been dismissed by the Additional Sessions Judge, Special Court, Berhampore, Murshidabad on 17.08.2019 during the pendency of this revisional application.

In the aforesaid backdrop, the present revisional application becomes infructuous and accordingly stands dismissed.

All connected applications, if any, shall stand disposed of.

Interim order, if any, shall stand vacated.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

**(Bivas Pattanayak, J.)**