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07.09.2022
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IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
CRIMINAL REVISIONAL JURISDICTION

C.R.R 77 of 2022

In Re: An application under Section 482; read with 401 of the Code
of Criminal Procedure,1973;

Sri Rajesh Kumar Agarwal
Versus
The State of West Bengal and others

Mr. Rajat Das.
...for the petitioner.

Mr. Aditi Shankar Chakraborty,
Mr. Aniruddha Biswas.
...for the State.

The subject matter of the revisional application was in
respect of the order dated 08.03.2022 in connection with
Criminal Revision Case No.04(3) of 2022 passed by the learned
Additional Sessions Judge, Fast Track Court at Siliguri which
arose out of Petition Case No.132 of 2021.

I find that the order passed by the learned Special
Executive Magistrate in respect of invoking its powers under
Section 144 of the Code of Criminal Procedure is of the year
2021 and the learned sessions court was pleased to pass order
in the month of March, 2022.

Having regard to the subject matter of the case

involved under Section 144 of the Code of Criminal Procedure which are invoked only in a case of urgent issue relating to breach of peace, I am of the opinion that the present case do not call for any interference which is disclosing a private dispute. More than 8 months have passed since the order was passed by the learned Special Executive Magistrate. If the parties have a dispute, they are supposed to address the issue before the civil court. Having regard to the passage of time, which has passed in the meantime, I hold that Petition Case No.132 of 2021 has become infructuous. Consequently, the revisional application being Criminal Revision Case No.04(3) of 2022 has also become infructuous.

The present revisional application do not call for any interference in respect of the subject matter of case which is deemed to be non-existent. Accordingly, the learned Special Executive Magistrate at Siliguri and the learned Additional District and Sessions Judge, Fast Track Court at Siliguri are directed to drop the Petition Case No.132 of 2021 and Criminal Revision Case No.04(3) of 2022.

With the aforesaid directions, CRR 77 of 2022 is disposed of.

Pending application, if any, is 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 copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Tirthankar Ghosh, J.)

