

7.7.2022
S.D.
03.

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

C.R.R. 120 of 2022

**Ajay Kumar Agrawal
Vs.
Ramkisan Mittal**

Mr. Ajay Kumar Agrawal

....For the Petitioner (in person).

The revisional application under Sections 401/482 of the Cr.P.c. is listed today for hearing.

The petitioner appears in person. On a perusal of the record, it appears that notice was served upon the opposite party, but no step has been taken on his behalf. No accommodation has been sought for by the opposite party.

It is submitted by the petitioner that he filed C.R. Case No. 23 of 2019 in the Court of learned Chief Judicial Magistrate at Kalimpong and the case was transferred to the Court of learned Judicial Magistrate, Kalimpong for trial and disposal. It is further submitted that on consecutive occasions, the petitioner moved the Court of learned Magistrate for proceeding with the trial, but the same is not being heard on the ground that the appeal (O.C. Appeal 1 of 2019) arising out of O.C. Suit 3 of 2013 is pending before the court of learned Additional District

Judge, Kalimpong. It is prayed that invoking the inherent jurisdiction of this Court, necessary direction may be given to the learned Magistrate to expedite the hearing of C.R. Case No. 23 of 2009.

Considered the submissions.

Perused the order passed by the learned Magistrate on 17.5.2021, 23.6.2021, 10.8.2021 and 15.12.2021.

In my considered view, unless there is a stay order from any superior Court, learned Magistrate is under a judicial obligation to hear out the petitioner and the contending party and dispose the matter in accordance with law irrespective of its final outcome.

Under such circumstances, the revisional application is disposed of with a direction to learned Judicial Magistrate, Kalimpong to expedite the hearing of C.R. Case No. 23 of 2019, pending before his Court expeditiously and preferably within a period of six months.

Let a copy of this order be communicated to learned Judicial Magistrate, Kalimpong for information and compliance.

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

(Ananda Kumar Mukherjee, J.)

