

12-10-2023
Subha
Item no. 11
Ct no.34

*IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction*

CRR 907 of 2023

Rinsu Paswan @ Rinshy Paswan
-versus-
The Officer-in-Charge, RPF, Liluah Workshop & Anr.

Mr. Satyendra Agarwal,
Mr. Bijoy Bag
Mr. Sourav Mitra
.....for the petitioner.

Learned advocate for the petitioner submits that the petitioner submitted an application dated 20th June, 2019. Surprisingly, the said application was not pressed on 17th December, 2020.

Learned advocate submits that the lawyer who was engaged was subsequently changed and a fresh lawyer was engaged. As such, the earlier lawyer did not have the authority to 'not press' the petition which was filed on 20th June, 2019. .

The grievance of the petitioner is that his petition dated 20th June, 2019 was not heard out on merits. Without entering into the legality of the issue whether the order dated 17th December, 2020 which is an order of not pressing the said petition is correct or incorrect.

This court finds that the petition dated 20th June, 2019 was never heard out on merits. Accordingly, the order dated 17th

December, 2020 is set aside. The petitioner would be at liberty to re-agitate the petition dated 20th June, 2019 before the learned Chief Judicial Magistrate, Howrah, The CJM, Howrah would issue notice to the affected parties and thereafter hear out the application on merits.

In case situation so arises that none of the parties appear, the learned CJM, Howrah will pass order on the merits of the petition.

. With the aforesaid observations, the present revisional application being CRR 907 of 2023 is partly allowed.

Pending applications, if any, are consequently disposed of.

All concerned parties are to act in terms of a copy of this order duly downloaded from the official website of this court.

[Tirthankar Ghosh, J]