

26.04.2023

Ct. 30
Sd./2

CRR 720 of 2019

Prasenjit Saha
Vs.
State of West Bengal & Ors.

Mr. Aniket Mitra,
..For the petitioner.

Mr. Tapas Kumar Ghosh,
Mr. Tanmay Choudhury,
..For the opposite party no. 2.

The present revision has been preferred against an order dated 29.08.2018 passed by the learned Chief Judicial Magistrate, Hooghly in C.R. Case No. 37 of 2015 thereby dismissing the complaint case on the ground that the complainant is not interested to proceed with this case.

From the order under revision it is seen that the complainant after filing complaint remain absent on several occasions in spite of the Court directing the complainant to show cause. Finally vide order dated 29.08.2018 passed by the learned Chief Judicial Magistrate, Hooghly in C.R. Case No. 37 of 2015 the Court dismissed the case.

The said order is reproduced here.

The order dated 29.08.2018:-

CR Case No.- 37/2015

Order dated 29.08.2018

Complainant is absent without taking any steps.

On repeated calls none appears on behalf of the complainant.

Perused the case record.

I find that the complainant is not interested to proceed with this case.

Hence the case is hereby dismissed.

D/C by me

Sd/-

***Chief Judicial Magistrate
Hooghly, Sadar***

The petitioner's prayer is that in the interest of justice the said order may be set aside and quashed and that he may be given an opportunity to continue with the case before the Trial Court diligently. Learned counsel for the opposite party is present. On hearing the learned counsels for the both sides and considering the nature of prayer and in the interest of justice, the order under revision dated 29.08.2018 is hereby set aside.

C.R. Case No. 37 of 2015 is restored by setting aside the order of dismissal dated 29.08.2018. The learned Chief Judicial Magistrate, Hooghly Sadar, shall proceed with the case in accordance with law by granting an opportunity to the complainant. It is made clear that in case the complainant fails to appear (without justified reasons) and take necessary steps on the date fixed by the Trial Court, the Court shall proceed in accordance with law without being influenced by the order of this Court.

CRR 720 of 2019 is allowed.

There will be no order as to costs.

All connected Applications stand disposed of.

Interim order if any stands vacated.

Copy of this order be sent to the learned Trial Court forthwith for necessary compliance.

Urgent certified website copy of this order, if applied for, be supplied expeditiously after complying with all, necessary legal formalities.

(Shampa Dutt (Paul), J.)