

10.04.2023
Ct. No.34
S/L No.30
KS

C.R.R. 1447 of 2021

With

IA No. CRAN 1 of 2022

Sri Chandan Karan

-Vs.-

Smt. Siuli Karan (Das)

In Re.: An application under Section 401/ 397 and 482 of the Criminal Procedure Code.

Mr. S. De

..... For the Petitioner

Affidavit of Service so filed be kept with the record.

Learned advocate appearing for the petitioner has taken out an application for passing appropriate orders in respect of Misc. Execution Case No.21 of 2019 pending before the learned Additional Chief Judicial Magistrate, Haldia. Learned advocate submits that on the basis of inadvertent representations made before the High Court there was a direction for deposit of a sum of Rs.40,000/- in respect of a case where the claim was only to the extent of Rs.10,000/-. To that effect learned advocate has drawn the attention of this Court to the order dated 18.04.2022 passed in Misc. Execution Case No.21 of 2019 by the learned A.C.J.M., Haldia. There are indications that the amount which has been deposited at the instance of the petitioner is in excess of the claim in Misc. Execution Case No.21 of 2019 and, as such, the learned Magistrate

has allowed partial adjustment in respect of Misc. Execution Case No.74 of 2021.

The subject-matter of the present revisional application is against the judgment and order dated 30.06.2021 passed by learned A.C.J.M. in Misc. Execution Case No.21 of 2019 arising out of Misc. Case No.24 of 2016 in a proceeding under Section 125 of the Code of Criminal Procedure.

Having regard to the order passed by the learned A.C.J.M., Haldia that the amount which is due has already been disbursed so far as Misc. Execution Case No.21 of 2019 is concerned, I am of the view that further continuance of Misc. Execution Case No.21 of 2019 is unwarranted.

Accordingly, the learned A.C.J.M., Haldia is directed to drop the said proceedings so far as the excess amount which has been paid. If there are any other Execution Case pending, learned A.C.J.M. would calculate the amount and make necessary arrangements so that the same are adjusted.

There is no scope for interference in the present revisional application.

Accordingly, C.R.R. 1447 of 2021 is disposed of.

Pending applications, if any, are consequently disposed of.

All parties are directed to act on the server copy of this order downloaded from the official website of this Hon'ble Court.

(Tirthankar Ghosh, J.)

