

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION
APPELLATE SIDE**

Present:

The Hon'ble Justice Ananya Bandyopadhyay

**C.R.R. 995 of 2014
With
CRAN 1 of 2023**

**Usha Shankar Bhattacharya & Anr.
Vs
State of West Bengal & Ors.**

For the Petitioners : Mr. Usha Shankar Bhattacharya
(in Person)

For the State : Mr. Ranabir Roy Chowdhury
Mr. Mainak Gupta

Heard on : 05.04.2023

Judgment on : 03.07.2023

Ananya Bandyopadhyay, J.:-

1. The instant criminal revisional application is preferred against the impugned Order No. 8 passed by Learned Additional District & Sessions Judge (Fast Track – I) at Sealdah, dt. 23.12.13, in Criminal Motion No. 11/2013 and against dismissal of Complaint Case No. C686/2011 by Judicial Magistrate 2, Sealdah.
2. The petitioners filed a case under Section 144 Cr.P.C. bearing M.P. Case No. 2994/2010 against the opposite parties before the Court of the Learned Executive Magistrate at Sealdah seeking entry and egress to the

property shown as the residential address of petitioner no. 1, and repossessing documents of national importance perishing in their residence, wherefrom they had been wrongfully restrained to enter for 6-7 years by O.P.s 2 and 3.

3. It was further contended that, Ld. Executive Magistrate, Sealdah, passed an order directing to see that the opposite parties not to create any obstruction towards free ingress and egress of the petitioners in the property without due process of law.
4. The investigating officer thereafter submitted his report before the Ld. Court, stating the opposite parties to have restrained the petitioners from entry and egress to the property.
5. Petitioners therefore, filed a complaint case under Section 200 Criminal Procedure Code for proceeding under Section 339-41 IPC, Contempt of Court etc., which was numbered as C-686 of 2011. Ld. Judicial Magistrate 2nd Court, Sealdah, however dismissed the case.
6. A revision under Sections 397 and 399 Cr.P.C. was filed by petitioners, which was initially numbered as Criminal Motion No. 4 of 2013, and later transferred to Ld. Additional District & Sessions Judge (Fast Track – AD & SJ (FT I)) and numbered as Criminal Motion 11 of 2013.
7. Ld. AD & SJ (FT I) Sealdah dismissed the said criminal motion stating the same to be barred by the Limitation Act.
8. The Learned Court of Additional District & Sessions Judge, Fast Track Court-I, Sealdah inter alia observed that:

“After receiving the case record from Learned ACJM, Ld. Court below examined the revisionist u/s 200 Cr.P.C. and as he was not

satisfied to issue process, he postponed the same and directed O/C of concerned P.S. to enquire and to report u/s 202 of Cr.P.C. After receiving the police report and considering all aspect ld. Court below dismissed the same holding that the dispute is purely civil in nature. Before going into the merit of the case first let us see whether the revision has been filed within limitation period or not.

As per Article 131 of Limitation Act, any aggrieved person who want any court to exercise his power of revision under Cr.P.C. against any order passed by Lower Court, he has preferred the revision within 90 days. In this instant case, the impugned order as passed on 07.08.12 and the revision was preferred on 04.01.13. There was no separate application filed for condonation of delay and neither any delay was condoned specifically. So, I am constrained to say that the revision is barred by limitation.

As a result revision failed. Hence, it is ordered that the criminal motion being no. 11 of 13 be and the same is dismissed on contest but without cost. The impugned order dated 07.08.12 passed by Ld. J.M., 2nd floor Sealdah is hereby affirmed.”

9. Article 131 of the Limitation Act states as follows:

<i>Description of suit</i>	<i>Period of Limitation</i>	<i>Time from which period begins to run</i>
<i>“To any court for the exercise of its powers of revision under the Code of Civil Procedure, 1908 (5 of 1908) or the Code of Criminal Procedure, 1898 (5 of 1898)</i>	<i>Ninety Days</i>	<i>The date of the decree or order or sentence sought to be revised”</i>

10. The petitioners did not prefer the revisional application within the mandatory period of 90 days nor did they file any application for condonation of delay while filing the application beyond the stipulated period of 90 days.
11. This Court does not find any illegality or impropriety with the impugned order and does not want to interfere with the same.
12. Accordingly, the instant criminal revisional application being CRR 995 of 2014 is dismissed and stands disposed of.
13. Connected application if any is also disposed of accordingly.
14. There is no order as to cost.
15. Let the copy of this judgment be sent to the Learned Trial Court as well as the police station concerned for necessary information and compliance.
16. All parties shall act on the server copy of this judgment duly downloaded from the official website of this court.

(Ananya Bandyopadhyay, J.)