

04.08.2023.
Item No. 14.
Court No. 13
ap

R.V.W. No. 115 of 2023
With
I.A. No. CAN 1 of 2023
In
W.P.A. No. 8480 of 2022

Dr. Tarit Kumar Datta & Ors.
Versus
The State of West Bengal & Ors.

Mr. Kallol Basu,
Mr. Suman Banerjee,
Mr. Swapnamoy Sarkar.

...For the applicants.

Mr. Pantu Deb Roy, ld. AGP,
Mr. Subrata Guha Biswas.

...For the State.

Ms. Piyali Sengupta,
Mrs. Dipanwita Ganguly.

...For the KMC.

Mr. Tapash Kumar Mondal,
Mr. K. P. Mukherjee.

...For the private respondents.

1. Review is sought of the order dated 5th April, 2023 passed in W.P.A. No. 8480 of 2022 by placing reliance on a decision of this Court dated 6th September, 2021 passed in W.P.A. No. 11803 of 2021.

2. In the said decision, this Court had indicated the circumstances under which a Court may entertain an application under Article 226 of the Constitution of India notwithstanding remedies under Section 482 of the Code of Criminal Procedure.

3. Mr. Kallol Basu, learned Advocate appearing on behalf of the applicants would rely upon the decision of the Hon'ble Supreme Court of India in the case of

Board of Control for Cricket, India & Anr. – Vs. – Netaji Cricket Club & Ors. reported in ***(2005) 4 SCC 741*** at paragraphs ***88 to 90.***

4. By placing the said decision, Mr. Basu, would argue before this Court that even an error in law committed by a Court can be a ground for review.

5. This Court notes that the only issue decided in the order dated 5th April, 2023 was that the Court is not inclined to entertain the prayers of the petitioners under Article 226 of the Constitution of India in the given the facts of the case and the remedy available under Section 482 of the Code of Criminal Procedure.

6. This Court does not find any error or misconception of law and hence, the instant review petition shall stand disposed of without any order.

7. Let the original certified copy of the order dated 5th April, 2023 be returned to the Advocate-on-record of the petitioners against a photostat copy of the same being filed in Court.

8. In view of disposal of the main review application, the connected application being CAN 1 of 2023 shall also stand disposed of.

9. There will be no order as to costs.

10. All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)

