

D/L8
21.06.2023
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C.R.R.2154 of 2023

In Re: An application under Section 482 of the Code of Criminal Procedure, 1973;

Sri Robin Kumar Saha
Versus
Smt. Shruti Jaiswal and others

Mr. Sabir Ahmed,
Mr. Dwaipayan Basu Mallik,
Mr. Arkaprava Sen,
Mr. Rahul Kumar Singh.
...for the petitioner.

Mr. Soubhik Mitter,
Ms. Rajnandini Das,
Mr. Karan Bapuli.
...for the opposite party no.1.

Mr. Ahmed, learned advocate appearing for the petitioner is aggrieved by the fact that his application under Section 340 of the Code of Criminal Procedure is not being decided on merits by the learned Magistrate and dates are continuously being fixed. Mr. Ahmed also takes objection to the affected opposite party no.1 in participation of the proceedings before the learned Magistrate.

Mr. Mitter, learned advocate, appears on behalf of the affected opposite party no.1

This Court will not enter into the domain whether the opposite parties over here do have authority, it is for the learned Magistrate to decide the same. If the settled proposition of law do permit, the learned Magistrate will hear the private affected opposite party no.1. If the procedure do not permit again it is for the learned Magistrate to decide. The application under Section 340 should be

decided on merits as it is pending for a considerable period of time by 31st August, 2023. Needless to state that this Court has not gone into the merits of the application. Learned Magistrate would independently consider the same without being influenced by any observations made by this Court.

With the aforesaid observations, CRR 2154 of 2023 is disposed of.

Pending application, if any, is consequently disposed of.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Tirthankar Ghosh, J.)