

Sl. No.80
06.07.2023
Bpg.

C.R.R.2398 of 2023

In Re: An application under Section 482 of the Code of Criminal Procedure, 1973 and alternatively under Article 227 of the Constitution of India;

Maniruzzaman Khan
Versus
The State of West Bengal and another

Mr. Satyajit Mandal
Mr. Suranjan Mandal
Mr. Amit Bikram Mahata.
...for the petitioner.

The subject matter of challenge is an order dated 9th December, 2022 passed by the learned Additional District and Sessions Judge, Fast Track, 1st Court at Diamond Harbour, South 24 Parganas in Criminal Motion No.77 of 2014. Hearing of the said revisional application is still pending before the learned revisional court.

The grievance of the petitioner is that a third party has been allowed to be intervenor on the perception as if the present petitioner Maniruzzaman Khan is an encroacher on the property. The petitioner is apprehensive that if the revisional application is heard out on such perception, in that case the petitioner is found to be prejudiced.

I direct that the addition of party as an intervenor which was allowed by the revisional court was on a larger perspective so that there is no violation of the principles of natural justice. The foundation of the order for addition of party should not be held to be conclusive finding while deciding the merits of the application by

the revisional court.

With the aforesaid observations, CRR 2398 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.)