

30.03. 2023
item No.25
n.b.
ct. no. 551

CRR 2419 of 2018

**Abhijit Chakraborty & Anr.
Vs.
Anser Daptary**

Mr. Ujjal Roy
.. for the petitioner.

No one appears on behalf of the petitioner on the first call.

Learned advocate for the opposite party is present.

On the second call none appears on behalf of the petitioner again and no accommodation is sought for on behalf of the petitioner.

Heard the learned advocate for the opposite party. It appears that the instant criminal revisional application is pending long and running in the list day after day. Thus, I think it necessary to dispose of the criminal revisional application on its merit.

Heard the learned advocate for the opposite party and perused the certified copy of the order along with copy of the orders annexed with the supplementary affidavit filed by the petitioner. It appears that by filing the instant criminal revisional application the present petitioner herein who are the accused persons before the learned Court below challenged the order dated 14.6.2017 passed by the learned Judicial Magistrate 2nd Court Diamond Harbour thereby issuing process against the petitioner in connection with

impugned Case No.C-138A of 2017 pending before the learned Judicial Magistrate 2nd Court Diamond Harbour.

On perusal of the order it appears that the impugned order dated 14.6.2017 is the order for fixing date of service return. Moreover, on perusing the initial order for issuing of process, I find no illegality on the part of the Jurisdictional Magistrate for issuing the process.

In perusing the supplementary affidavit it appears that order dated 24.3.2017 of the jurisdictional Magistrate was annexed. On perusing that order it appears that prayer of the present petitioner/accused person was turned down in respect of their petition regarding merit of this case on the basis of limitation. On careful perusal of the impugned order passed by the learned Magistrate it appears that there is no illegality in the finding of the learned Magistrate on the same order also.

Considering the same, I think no merit to entertain this criminal revisional application.

Accordingly, the instant criminal revisional application is dismissed as devoid on merit.

The CRR 2419 of 2018 is disposed of.

Any order of Stay passed by this Court during the continuation of the proceeding of the revisional application is also vacated.

All connected applications, if pending, are also disposed of.

Learned Magistrate is directed to dispose of the instant complaint case as early as possible more preferably within six months from the date of this order.

Let a copy of this order be served upon the Learned Magistrate through learned District Judge for proper compliance and effective disposal of this case.

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

(Subhendu Samanta, J.)