

11.12.2023

Sl.No. 31

Ct. 32

Amalranjan

CRR 2211 of 2015
With
CRAN 1/2015 (Old CRAN 3719/2015)

Navratan Derasari
Vs.
Mr. Arun Kumar Kundu & anr.

Nobody appears on behalf of either of the parties on call. Even on earlier occasion no one represented the petitioner, nor any accommodation sought for.

This revisional application filed in the year 2015 as such the instant case is required to be disposed of on merit.

This application has been filed by the father under Section 482 read with section 401 of the Criminal Procedure Code praying for setting aside of the impugned order of refusal to admit the revisional application dated 01.06.2015 passed by the learned Chief Sessions Judge in Criminal Revision no. 81 of 2015 arising out of an order dated 21.04.2015 passed in complaint case no. 23673 of 2003 by the learned 16th Metropolitan Magistrate, Calcutta for an the offences under sections 403, 406, 417, 465, 468 and 471 IPC.

The brief fact of the instant case is very relevant for disposal of this case as follows.

At the stage of recording statement of accused person under section 313 of the Cr.P.C, the petitioner filed an application under section 311 of the Cr.P.C praying for allowing the petitioner to adduce further evidence of witnesses.

After hearing both the parties, learned Magistrate observed that in spite of several dates have been allowed in his favour the petitioner, but he did not produce the witnesses. Furthermore, the learned Magistrate did not find any substance in the petition. So, the prayer for adducing evidence of witness under section 311 Cr.P.C was rejected.

Subsequently, the said order was challenged by the petitioner feeling aggrieved by way of filing criminal revision being 81/2015 before the learned Chief Sessions Judge, City Sessions Court, Calcutta with a contention that no liberty was given to adduce further evidence of the witnesses as sought for under section 311 of the Cr.P.C though it is essential for proper disposal of the case.

However, the learned Sessions Judge, City Sessions Court, Calcutta after hearing the parties finally held that there is no merit in the criminal revision. The application filed by the petitioner under section 311 Cr.P.C is only a dilatory tactics.

In such a situation, this court does not find this case is in favour of the petitioner. This court also does not find any jurisdictional error or infirmity or perversity in the order passed by the learned Sessions Judge, City Sessions court, Calcutta.

Accordingly, the instant case is devoid of merit and does not require any interference by this court.

The instant revisional application being **CRR 2211 of 2015** is dismissed without any order as to costs.

Consequently, the application being **CRAN 1/2015**
(Old CRAN 3719/2015) is also disposed of.

Interim order, if any, stands vacated.

Let the order be communicated to the Ld. Court below
for information.

Liberty is granted to all parties to act in terms of the
copy of this order downloaded from the official website of this
court.

Urgent Photostat certified copy of this order, if applied
for, be supplied to the parties taking all legal formalities.

(Ajay Kumar Gupta, J.)