

12.10.2023

Item No.64
Ct.No.34
dc.

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION**

C.R.R. 2735 of 2023
with
CRAN 1 of 2023

In the matter of : **DHL Express (India) Private Limited**
... Petitioner.

Mr. Somopriyo Chowdhury,
Mr. Kaushik De,
Mr. Raghav Munshi,
Ms. Mohini Majumder,
Ms. Antara Bagchi ... For the Petitioner.

Mr. Dipanjan Dutt,
Mr. Surojit Saha ... For the Opposite Party.

Affidavit-of-service filed in Court today be kept on
record.

Mr. Chowdhury, learned advocate appears for the
petitioner.

Mr. Dutt, learned advocate appears for the opposite
party.

The main grievance of the petitioner is that the
revisional application which was preferred before the learned
Chief Judge, City Sessions Court, Calcutta being Criminal
Revision No. 105 of 2023 was disposed of on the first date
without any audience or service being effected and the
learned trial court allowed the revisional application by
setting aside the order dated 14.02.2023.

Since the dismissal of the complaint resulted in a right
being accrued, it was incumbent upon the learned Chief
Judge, City Sessions Court, Calcutta to at least issue a notice
upon the petitioner who at that stage was the proposed

accused. Having regard to the same, the order dated 04.07.2023 passed by the learned Chief Judge, City Sessions Court, Calcutta setting aside the order dated 14.02.2023 passed by learned Metropolitan Magistrate, 11th Court, Calcutta in connection with Case No. 12800/19 is set aside.

The petitioner and the opposite party before this Court would appear before the learned Chief Judge, City Sessions Court, Calcutta on 17th November, 2023. A date be fixed by the learned Chief Judge, City Sessions Court, Calcutta for hearing out of the revisional application on merits. Let the revisional application be disposed of by the learned Chief Judge, City Sessions Court, Calcutta by 31.12.2023.

Since the petitioner before this Court happens to be a Company, rest of the individuals, who are the officers of the Company, are covered by the present order and would have their audience before the learned Chief Judge, City Sessions Court, Calcutta.

It would be the duty of the present petitioner to inform its officers, if they intend to participate before the learned Chief Judge, City Sessions Court, Calcutta. No onus is bestowed on the complainant or the opposite party before this Court to effect any service further.

With the aforesaid observations, the revisional application being CRR 2735 of 2023 is disposed of.

Pending connected application is consequently disposed of.

All concerned 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 with all requisite formalities.

(Tirthankar Ghosh, J.)