

17.04.2023
Item No. 60
D. Hlra
Ct. No.34

CRR 2396 of 2021

Suresh Kumar Singh
vs.
The State of West Bengal & Anr.

None appears on behalf of the petitioner as well as the private opposite party.

The present revisional application has been preferred against the order dated 12th August, 2021 passed by the learned Judicial Magistrate, 4th Court at Alipore in connection with Complaint Case No. 3427 of 2011 under Sections 498/497 of the Indian Penal Code.

Learned Judicial Magistrate, 4th Court at Alipore was of the opinion that the Hon'ble Supreme Court's judgment do not expressly mention any retrospective operation in respect of the findings arrived at therein.

Learned Magistrate will see that whether the allegations made in the complaint or the evidence which has been adduced, do make out offence under any other section. In case, the allegations is restricted to the findings of the Hon'ble Supreme Court in ***Joseph Shine vs. Union of India*** in that case, the Magistrate will drop the proceeding. In the alternative, the proceeding would continue.

With the aforesaid observations, CRR 2396 of 2021 is disposed of.

All pending applications, if any, are consequently disposed of.

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

(Tirthankar Ghosh, J.)