

31.07.2023
Item no.10.
Court No.34.
AB

CRR No. 3634 of 2022

In the matter of : Ram Chandra Sharma

.....Petitioner.

Mr. Bitoshok Banerjee,
Mr. Ashis Kr. Duttafor the Petitioner.

The subject matter of the revisional application relates to an order dated September 15, 2021, passed by the learned Sub Divisional Executive Magistrate, Kharagpur in Petition Case No.186 of 2019.

Records reflect that by the order dated September 15, 2021, the learned Executive Magistrate was pleased to drop the proceedings on issues that no step was taken by either side and also the urgency of the matter with passage of time has been exhausted.

Mr. Banerjee, learned Advocate appearing for the petitioner submits that the report of the ASI of Police of Kharagpur (Town) Police Station, Paschim Medinipur was not considered.

Since one of the observations of the learned Executive Magistrate is that the urgency of the application under Section 133 Cr.P.C. has been exhausted with passage of time and this revisional application is being considered after 23 months from

the said order being passed, I am also of similar view that with passage of time, the proceedings, which were initiated under Section 133 Cr.P.C., have in fact lost its force.

The petitioner would be at liberty to approach the jurisdictional Civil Court and rely upon the report of the ASI of Police, Kharagpur (Town) Police Station, Paschim Medinipur for an appropriate order being passed by the jurisdictional Civil Court.

With the aforesaid observations, CRR No.3634 of 2022 is disposed of.

Pending applications, if any, are consequently disposed of.

All parties are directed to act on the server copy of this order downloaded from the official website of this Hon'ble Court.

(Tirthankar Ghosh, J.)