

CRR 4378 of 2023

In Re: An application under Sections 401/482 of the Code of Criminal Procedure, 1973 quashing of proceeding in Misc. Execution case no. 308 of 2019 arising out of Misc. Execution Case No. 220 of 2017 under Section 125 of the Code of Criminal Procedure, 1973.

In the matter of : Sri Bholanath Patar

...petitioner.

Mr. Jayanta Narayan Chatterjee, Adv.,
Ms. Moumita Pandit, Adv.,
Ms. Jayashree Patra, Adv.,
Ms. Ritushree Banerjee, Adv.,
Ms. Pritha Sinha, Adv.

...for the petitioner.

Mr. Chatterjee, learned Advocate appearing for the petitioner, submits that one after other execution cases have been filed against the petitioner and the petitioner was taken into custody on number of occasions. According to the learned Advocate, the petitioner has suffered a period which is more than required under the statute. Learned Advocate submits that the petitioner is not in proper senses and can be termed as 'insane' to that effect. There are medical documents in custody of the kin of the petitioner who would be able to produce the same.

Having considered the submissions advanced I find that until and unless there is any interference in the Misc. Case no. 220 of 2017, there cannot be any interference in the execution case no. 308 of 2019. Accordingly, if the petitioner or his kin prefers an application under Section 127 of the Code of Criminal Procedure, 1973, for alteration or modification in that case, the

learned Judicial Magistrate, 4th Court, Asansol, Paschim Bardhaman, would consider such application in accordance with law after issuing proper notice and take efforts so that the same is disposed of within a period of three months from the date of filing of such application.

With the aforesaid observations, the revisional application being CRR 4378 of 2023 is disposed of.

Pending connected application, if any, 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.)