

11.04.2023

Court No.35
Item No. 35

D.Hira

CRR 3919 of 2015

**I.K. Saini
Vs.
The State of West Bengal & Anr.**

Mr. I.K. Saini

... petitioner-in-person

Mr. Angshuman Chakraborty,
Mr. Shashanka Shekhar Saha.

... for the OP no. 2

Ms. Faria Hossain,
Mr. Aniket Mitra.

... for the State

Mr. Saini, appears in person in this case and has submitted categorically about his grievance regarding the Trial Court's order dated 27.11.2013 and also the order dated 04.03.2015 of the Additional District and Sessions Judge, 18th Court at Alipore, affirming the Trial Court's order, as above.

Petitioner says that in a complaint lodged by his deceased father, the Magistrate has erroneously exercised jurisdiction to accept the plea of guilt of the accused persons and punish him with lesser punishment, ignoring the gravity of the offence and the provisions of law. He has also raised objection as to the finding of the Sessions Court on the ground that the Sessions Court is wrong in appreciating Magistrate's order.

He has stated that both the orders are de hors in law and unsustainable.

In this matter it is however revealed that the complainant has already died. The petitioner being the legal heir and successor of the complainant, since deceased, have preferred the instant revision challenging the above two orders.

Naturally, the locus standi of the petitioner is challenged in this case on behalf of the private opposite party as well as the State and

rightly so.

Since after death of the complaint, the present revisionist is not found to have the authority under law to proceed in this criminal case, in stead and place of his deceased father, hence, in my considered opinion, this revision merits no success.

However, considering the facts and circumstances, I find it proper to dismiss the present case with liberty to the petitioner to espouse his cause, if any, in accordance with law.

Since petitioner's grievance is a long pending one, I request the Trial Court to proceed as expeditiously as possible, in case the petitioner approaches the same with his prayer.

CRR 3919 of 2015 is dismissed and disposed of.

Certified website copies of this order, if applied for, be supplied to the parties subject to compliance with all the requisite formalities.

---X---

RAI

CHATTOPADHYA

Y

Digitally signed by RAI

CHATTOPADHYAY

Date: 2023.04.11

19:13:00 +05'30'

(Rai Chattopadhyay, J.)