

CRR 4232 of 2008

In the matter of : M/S. Sun Plant Agro Ltd. & Anr.

Mr. Bidyut Kumar Roy
Ms. Sima Biswas
..... for the State

None is appearing on behalf of the petitioner. Mr. Prattoy Khan, learned counsel submits that his senior Mr. Ayan Bhattacharyya has retired from the brief.

Administrative notice was issued upon the parties but the same could not be served due to want of proper address.

Mr. B. K. Roy, learned counsel is representing the State.

This revisional application is pending for last 15 years. This application challenges the order dated 23rd September, 2008 passed in Criminal Appeal No. 127 of 2006 by the learned Additional Sessions Judge, 8th Fast Track Court, Bichar Bhawan, Calcutta.

Upon perusal of the record I find that opposite party No. 2 Jakiur Rahaman Khan filed a petition of complaint under Section 138 of the Code of Criminal Procedure before the learned jurisdictional Magistrate and it was registered as C/3543 of 1999.

After considering the testimony of witnesses and documentary evidence learned Trial Court was pleased to

record an order of conviction under Section 255(2) of the Code of Criminal Procedure. The accused person challenged the judgment of learned Trial Court before the learned Chief Judge and Criminal Appeal No. 127 of 2006 was registered and transferred to learned 8th Fast Track Court, Bichar Bhawan, Calcutta. An application under Section 391 of the Code of Criminal Procedure was filed by the appellant which was considered and rejected by learned Appellate Court on 23rd September, 2008.

I have perused the impugned order. The appellant prayed for examination of one B. K. Sasmal and witness Nos. 3 to 9 and other witnesses by taking recourse of law as laid down under Section 391 of the Code of Criminal Procedure. Learned Appellate Court having considered the evidence on record rightly came to a conclusion that the petition was nothing but a ploy to delay the inevitable.

I am absolutely in agreement with the view expressed by the learned Appellate Court. The impugned order does not warrant any interference. The criminal revision is dismissed with cost of Rs.10,000/- to be paid to the Calcutta High Court Legal Services Committee.

Let a copy of the order be sent down to the learned Trial Court for information and necessary action.

(Siddhartha Roy Chowdhury, J.)