

21.07.2023

Sl. No. 74.

Mithun.

Ct.No.42.

CRR/167/2023
With
IA No: CRAN/1/2023

Sk. Kashimuddin
Vs.
State of West Bengal & Ors.

Mr. Alak Kumar Ghosh,
Mr. Swsapan Kumar Debnath

...for the petitioner.

This is an application filed by the petitioner in CRR 167 of 2023 praying for modification/clarification of the order dated 24th March, 2023.

It is submitted by the learned Advocate for the petitioner that being aggrieved by initiation of a proceeding under Section 145 of the Code of Criminal Procedure by the Jurisdictional Executive Magistrate, the petitioner filed the above-mentioned criminal revision for appropriate relief.

This Court disposed of the said revisional application by judgment dated 24th March, 2023 wherein an observation was made to the effect that the petitioner has also filed a suit before the Court of the learned Civil Judge, Senior Division being Title Suit No.76 of 2017 against the opposite party.

It is submitted by the learned Advocate for the petitioner that the petitioner filed the said suit in respect of Dag No.6. However, the proceeding under Section 145 of the Code of

Criminal Procedure was disposed of by the jurisdictional Executive Magistrate without initiating any proceeding under Section 145 of the Code of Criminal Procedure in respect of Dag Nos.7, 8 and 9 in relation to which no suit or other proceedings was initiated by the petitioner. The learned Advocate for the petitioner has annexed the copy of the plaint of the Title Suit No.76 of 2017. On perusal of the plaint of the said suit, it is found that the Dag Nos.7, 8 and 9 are not involved in the said suit. Therefore, the above observation was mistakenly made by this Court while disposing of CRR No.167 of 2023.

However, in view of Section 362 of the Code of Criminal Procedure, I cannot recall the order dated 24th March, 2023. There is also no provision of renew of an order passed by a Revisional Court in criminal jurisdiction.

Considering such aspect of the matter, the instant application is rejected. However, this order will not disentitle the petitioner to pray for appropriate relief in accordance with law before the appropriate Court of law.

With this liberty, the instant application is disposed of.

(Bibek Chaudhuri, J.)