

April 4, 2024
AD-12
Ct. 34
SG

CRR 421 of 2023
with
CRAN 1 of 2023

In the matter of: Ruma Maity Manna
... petitioner

Mr. Ayan Basu
Mr. Sourav Bera
Mr. Sumit Routh
... for the petitioner.

Mr. Debasish Roy
Mr. Sandip Chakraborty
Mr. Saryati Datta
... for the State.

CRAN 1 of 2023

Affidavit of service so filed be kept with the record.

There is a delay of 954 days (2 years 7 months 11 days) in preferring the revisional application.

I have checked the grounds so assigned particularly in the orders passed by the learned Magistrate and the basis on which the report was prepared by the police authorities. The foundation of the report is a certificate issued by the panchayat and on the basis of that the complainant did not get any opportunity to ventilate her grievance before the learned Magistrate by way of filing a protest petition.

Having regard to the factum that for ends of justice, the manner in which a report has been prepared which have been enclosed by the present petitioner, I am of the view that the report so submitted by the investigating officer is debatable.

The delay of 954 days in preferring the revisional application is hereby condoned.

Accordingly, CRAN 1 of 2023 is disposed of.

CRR 421 of 2023

Mr. Chakraborty, learned counsel has been served and he appears on behalf of the State.

I have perused the contents of the revisional application which is restricted only to an opportunity for preferring a protest petition.

Having regard to the nature of the offence complained of and the manner in which the petitioner did not get an opportunity to file such an application, I am of the view that for the ends of justice the order dated 07.09.2018 under challenge be set aside.

The petitioner would file a protest petition before the ACJM, Haldia, Purba Medinipur by May 10, 2024 in connection with Sutahata PS Case No.64/18. The learned Magistrate would consider such application and dispose of the same within a period of 60 days in accordance with law.

With these observations, CRR 421 of 2023 is disposed of.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

Urgent certified copy of this order, if applied for, be made available to the parties upon compliance of such requisite formalities.

(Tirthankar Ghosh, J.)

