

CRR 972 of 2024

Ravi Modi
Vs
M/S. SREI Equipment Finance Limited & anr.

Mr. Dipta Dipak Banerjee

... for the petitioner

The petitioner is aggrieved by the order dated 17.02.2024 passed by the learned Chief Judge, City Sessions Court, Calcutta in Criminal Revision No. 14 of 2024 which arose out of an order dated 14.12.2023 passed in Case No. CS-64907 of 2021 by the learned Metropolitan Magistrate, 19th Court, Calcutta.

The point of grievance is the refusal of the prayer under Section 205 of the Criminal Procedure Code to be represented by a lawyer in the day to day proceedings in Court.

Having considered the nature of the proceedings and the allegations made therein, I am of the opinion that in such cases, ordinarily there should not be any difficulty for allowing any application under Section 205 of the Criminal Procedure Code but the said application under Section 205 of the Criminal Procedure Code must stick to the letter of law and the settled propositions therein. The application which has been referred to and which was filed before the learned Metropolitan Magistrate, 19th Court, Calcutta, is a flawed application. The petitioner is supposed to file it by way of an affidavit, all the conditions for exemption relating to prejudices being caused subsequently must be therein in the application by way of an undertaking accompanied by such affidavit.

In view of the aforesaid, I grant liberty to the petitioner to take out a fresh application before the learned Metropolitan Magistrate, 19th Court, Calcutta who after issuing notice to the effected party/parties would dispose of the same within a period of one month from the filing of the fresh application.

With the above observations, CRR 972 of 2024 stands **disposed of**. Pending applications, if any, also stands disposed of.

Parties are to act on the server copy of this order duly collected from the official website of the Hon'ble High Court at Calcutta.

(Tirthankar Ghosh, J.)