

July 10, 2024
23 ARDR

CRR 1174 of 2024
CRAN 1 of 2024

Monica Chaudhuri (Dutta) & ors.
Vs.
The State of West Bengal & anr.

Adv. Dipika Sarkar,
... for the petitioners.
Adv. Abhimanyu Banerjee,
Adv. Anirban Sabak
..for the O.P.

Certified copy of the order of the learned Sessions Judge (in charge) produced by the opposite party is taken on record.

Heard learned counsels for the parties.

The revisional application assails an order passed by the learned Judicial Magistrate, 6th Court, Alipore on 11th May, 2023 taking cognizance under Section 200 of the Code of Criminal Procedure and subsequent orders passed thereafter.

It is pointed out by the learned counsel for the private opposite party that the order dated 11th May, 2023 has been assailed by the petitioner before the learned Sessions Judge, Alipore, South 24 Parganas in Criminal Motion no.103 of 2024. Since the Criminal Motion was barred by limitation, the petitioner filed an application before the learned Judge under Section 5 of the Limitation Act and by an order passed on 4th March, 2024, the learned Sessions Judge (in charge) directed the petitioner to serve copy of the application upon the opposite party and fixed 29th April, 2024 for S/R of notice under Section 5 of the Limitation Act. The revisional application has been filed on 14th March, 2024, that is, during

pendency of the Criminal Motion as well as the application under Section 5 of the Limitation Act before the learned Sessions Judge.

Such fact has been deliberately suppressed by the petitioner before this Court when the matter was taken up and an order of interim stay granted on 21st March, 2024.

It is trite law that a petitioner should come before a Court with clean hands and put forward all facts before the Court without concealing or suppressing anything. In the event there is suppression of material facts on the part of the petitioner, the Court may refuse to entertain the petition and dismiss it without entering into merits of the matter.

The revisional application is liable to be dismissed solely on the ground of deliberate suppression of material facts by the petitioners before this court.

In view of the above, the revisional application, being CRR 1174 of 2024 and the connected application, being CRAN 1 of 2024 are dismissed.

There shall however, be no order as costs.

Urgent certified website copy of this order, if applied for, be given to the parties, upon compliance of all requisite formalities.

(Suvra Ghosh, J.)