

30.04.2024
rc/ct.no.34
Item No.130

CRR No. 1737 of 2024
Biswanath Manna
Versus
State of West Bengal & Ors.

Mr. Aniruddha Bhattacharya
Ms. Anushree Bose ...for the petitioner

Petitioner is aggrieved by the order dated February 23, 2024.

I find that the said order passed by the learned Chief Judicial Magistrate, Alipore, South 24 Parganas where it is observed that the petition was not drafted in proper manner as the necessary parties were not impleaded in the application were not served. However, there is a grievance of the petitioner that till date the Presiding Officer is not available in the Court of the learned Judicial Magistrate, 3rd Court, Alipore.

Having considered the submission of the petitioner and the earlier direction of this Court in CRR No. 1896 of 2023 I direct the learned Chief Judicial Magistrate, Alipore that in case proper application is preferred Chief Judicial Magistrate, Alipore after hearing of the parties would take a decision in respect of the prayer of the petitioner under Section 410 of the Code of Criminal Procedure as the case being Chetla Police Station Case No. 11 of 2013 was initiated more than 11 years ago.

The petitioner is granted liberty to file a fresh application under Section 410 of the Code of Criminal Procedure within a period of fortnight from date.

Learned Chief Judicial Magistrate, Alipore after issuing notice to the respective parties would dispose of the application under Section 410 of the Code of Criminal Procedure preferably within a period of 45 days from the date of filing of the application. Accordingly, the order dated February 23, 2024 is partially interfered with.

With the above observations the revisional application being CRR No. 1737 of 2024 is disposed of.

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

(Tirthankar Ghosh,J)