

19.02.2024
Sl.No. 20
Ct. 32
Amalranjan

In The High Court At Calcutta
Criminal Revisional Jurisdiction
Appellate Side

CRR 2218 of 2015

Syed Saiyadan Ahsan @ Rizvi @ Saigadan
Vs.
Raunaque Hossain Rezvi and anr.

Nobody appears on behalf of either of the parties on call. Even on earlier occasion no one represented the petitioner, no accommodation sought for.

The instant application has been filed by the petitioner under section 401 read with section 482 of the Criminal Procedure Code 1973 challenging the impugned order dated 9.04.2015 passed in C. Case no. 4413 of 2005 by the learned Judicial Magistrate, 9th Court at Alipore, South 24 Parganas, thereby the learned court rejected the application filed under section 243(5) of the Criminal Procedure Code, 1973.

This case pertains to the year 2015.

The brief fact of this case is relevant for disposal of the instant case.

The complainant being the landlord filed a criminal case being C. Case no. 413 of 2005 before the learned Judicial Magistrate, 9th Court at Alipore, South 24 Parganas alleging commission of offences under section 324/504/34 of IPC.

It is the further case of the petitioner that the complainant also filed a civil suit for eviction against the petitioner from the tenanted premises and also filed an application under section 144 (2) of the Criminal Procedure Code.

This case is pending since long. In spite of the long pendency the complain case was not proceeded. Accordingly, the petitioner has filed an application under section 245(3) Criminal Procedure Code praying for discharge of all the accused persons. But the same was rejected without any justification. Hence, this revisional application.

Upon perusal of the record including the impugned order dated 09.4.2015, I do not find any illegality, perversity or infirmity in the order passed by the learned court below.

Accordingly, the instant revisional application being **CRR 2218 of 2015** is dismissed without any order as to costs.

Interim order, if any, stands vacated.

Let the order be communicated to the Ld. Court below for information.

Liberty is granted to all parties to act in terms of the copy of this order downloaded from the official website of this court.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties taking all legal formalities.

(Ajay Kumar Gupta, J.)