

05.07.2024

Sl. No.: 2

Court No.30
BM

**CRR 3179 of 2016
(Assigned)**

**Sri Kalyan Krishna Nandi
Vs.
Smt. Nita Nandi (Mani) & Anr.**

Mr. Kalyan Krishna Nandi

... Petitioner-in-person

Mr. Suman De

..... For the State

- 1.** The present revision has been preferred by the petitioner in person against an order dated 09.10.2015 passed by the Learned 1st Court of Additional District Judge, at Barrackpore and Orders dated 25.05.2016, 27.06.2016 passed by the learned 2nd court of Additional District Judge, at Barrackpore in Criminal Revision No.407 of 2015.
- 2.** Vide the order dated 09.10.2015 the learned Additional Sessions Judge, 1st Court, Barrackpore, transferred the record in Criminal Revision No.407 of 2015 to the Court of learned Additional Sessions Judge, 2nd Court, Barrackpore, for disposal.
- 3.** This order does not suffer from any illegality and accordingly requires no interference by this Court.
- 4.** The next order challenged by the petitioner is order dated 25.05.2016. By the said order the learned Additional Sessions Judge, 2nd Court, Barrackpore, fixed a date of hearing in respect of two petitions filed by the

petitioner. This order is also in accordance with law and requires no interference.

5. Finally, the order dated 27.06.2016 has been challenged.
6. The said order dated 27.06.2016 is reproduced herein:-

“Order dated 27.06.2016

Petitioner/Revisionist files Hazira through lawyer.

O.P. No. 1 files hazira through lawyer.

The Criminal Revision No. 407/2015 being not pressed rejected L.C.R. returned.

**Sd/-
Additional Sessions Judge,
2nd Court, Barrackpore,
North 24 Parganas”**

7. It appears from the said order dated 27.06.2016 that the petitioner/revisionist and the opposite party no. 1 had filed hazira.
8. The said order does not mention any petition being filed praying for “not pressing” the criminal revision no. 407 of 2015. The Court has not recorded as to on whose prayer, the revision was being rejected being “not pressed”. The said order is not a reasoned order and without recording as to on whose prayer the revision was being “not pressed” the Court rejected the revision.
9. Accordingly, the said order being not in accordance with law and thus an abuse of the process of law is hereby quashed and set aside in the interest of justice exercising the inherent power of this court.

- 10. The criminal revision No.407 of 2015 is restored to the file of the Additional Session Judge, 2nd Court, Barrackpore, North 24 Parganas.**
- 11. The court of the Additional Sessions Judge, 2nd Court, Barrackpore, North 24 Parganas is directed to serve a notice upon both the parties, fix a date for hearing and the matter be heard and disposed of in accordance with law on hearing both sides **within a period of three months from the date of communication of this order.****
- 12. There will be no order as to costs.**
- 13. All connected Applications, if any, stands disposed of.**
- 14. Interim order, if any, stands vacated.**
- 15. Copy of this order be sent to the learned Trial Court for necessary compliance.**
- 16. Urgent certified website copy of this order, if applied for, be supplied expeditiously after complying with all, necessary legal formalities.**

(Shampa Dutt (Paul), J.)