

10.04.2024
Item No.21
BR

**IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction
Appellate Side**

**CRR 3782 of 2017
with
IA No. CRAN 1 of 2018 (old No. CRAN 72 of
2018)
Jayanta Kumar Chakraborty & anr.
-vs-
State of West Bengal & anr.**

Nobody appears on behalf of either of the parties on call.

This is an application filed under Section 482 of the Code of Criminal Procedure, 1973 seeking quashing of criminal proceeding in connection with petition No. 178 of 2017 dated 29.6.2017 under Section 107 of the Criminal Procedure Code , 1973 pending before the learned Executive Magistrate, at Alipurduar and orders dated 29.6.2017 and 25.10.2017 passed by the learned Executive Magistrate in the said proceeding.

In spite of giving opportunity and the case is pending since 2017 nobody turns up to represent the petitioner. No accommodation was sought for.

Under such circumstances, this case is taken up for disposal on merit after considering the nature of prayer and to avoid further delay.

The brief facts of the instant case are relevant for the disposal of the case.

The opposite party no. 2 has lodged a petition of complaint under Section 107 of the Code of Criminal Procedure, 1973 against the present petitioners alleging, inter alia, that one partition suit being Partition Suit No. 15 of 2017 is pending in the Court of learned Civil Judge (Senior Division). There is also an injunction order in respect of the land in question in T.S. No. 30 of 2017 which was filed by her husband even after knowing the aforesaid facts. The allegation is that the petitioners have started insulting the opposite party no. 2 and her husband in public place and also threatened with dire consequences to kill them. Challenging the said proceeding and an order passed therein the present petitioners filed this application, as such this revisional application has come up before this Court for disposal.

Upon perusal of the applications meticulously together with annexures thereto, this Court finds in spite of pendency of two civil suits between the

parties the opposite parties filed an application under Section 107 of the Cr. P C and the Executive Magistrate admitted the said application and directed the opposite party to appear before the Magistrate on 28.7.2017 for hearing in person vide order dated 29.6.2017 and after appearance of the opposite parties the learned Executive Magistrate further fixed another date on 28.11.2017 directing both the parties to appear for hearing failing which the Court will take decision. Such orders are found correct, legal or there is no any jurisdictional error or law. Orders are inter-locutory orders, which do not decide the fate of the case.

Accordingly, the instant criminal revisional application is devoid of merit. There is no need to interference of the said order.

Accordingly, **CRR 3782 of 2017** is , thus, dismissed without order as to costs. Consequently **CRAN 1 of 2018 (old No. CRAN 72 of 2018)** is also disposed of. Interim order, if any, be vacated.

Urgent xerox certified copy of this order, if applied for, be given to the learned advocate for the parties on usual undertakings.

(Ajay Kumar Gupta , J.)