

09.12.2024
rc/ct.no.34
Item No.34

CRR No. 4883 of 2024

In the matter of : Utpal Banerjee

.....Petitioner

Mr. Raghunath Chakraborty
Ms. Nandini Chatterjee

...for the Petitioner

Affidavit of service filed by the petitioner is taken on record.

None appears for the private opposite party despite service.

Heard learned counsels for the parties.

The petitioner is aggrieved by imposition of cost of Rs.1000/- upon him by the learned Additional Sessions Judge, 7th Court, Paschim Medinipur (In-Charge) by an order passed on September 20, 2024 in Criminal Revision No. 530 of 2022. It appears from the order impugned that on the said date i.e., on September 20, 2024 the petitioner could not appear before the learned Judge and filed an application for adjournment along with a medical certificate. The learned Judge allowed the prayer for time with cost of Rs.1000/- to be paid to the private opposite party. No reason has been assigned by the learned Judge as to why such cost was imposed upon the petitioner for not appearing before him due to medical reasons despite the fact that medical certificate was submitted before the learned Judge in support of the contention of the petitioner.

In view of the above, this Court is inclined to hold that the portion of the order imposing cost of Rs.1000/- upon the petitioner is required to be set aside.

The revisional application being CRR No. 4883 of 2024 is allowed. The portion of the order dated September 30, 2024 passed by the learned Additional Sessions Judge, 7th Court, Paschim Medinipur (In-Charge) in Criminal Revision No. 530 of 2022 imposing cost of Rs.1000/- upon the petitioner be set aside/quashed. However, the remaining portion of the order shall remain unaltered. The petitioner is directed to appear before the learned Judge on every date of hearing fixed by him henceforth.

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

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

(Suvra Ghosh,J)