

19.07.2024
Serial no.4
Aloke
Ct. No. 30

CRR 4523 of 2023

**Deepika Gupta
Vs.
The State of West Bengal & Ors.**

Mr. Aniket Mitra
... for the petitioner

Ms. Rita Datta
... for the State

Perused the present revisional application.

The present revisional application has been preferred against an order dated 14.09.2023.

As there is no representation on behalf of the State, Ms. Rita Datta, learned counsel is appointed to represent the State in the present case.

Appropriate authority to regularize her appointment.

By the order under revision, the learned Judicial Magistrate, 1st Class, 7th Court, Howrah, has quashed the entire proceedings against all the accused persons in G.R. Case No. 4104 of 2016.

It is unfortunate that the learned Magistrate did not consider as to who was the petitioner before the High Court in CRR 591 of 2019. The sole petitioner before the High Court was 'Chhangoolal Gupta' and none other.

Accordingly, the proceeding in G.R. Case 4104 of 2016 was quashed only in respect of the petitioner therein 'Chhangoolal Gupta'. There is nothing to indicate in the judgment that the proceeding has been quashed in respect of all the petitioners in the said G.R. Case.

The learned Magistrate should seek for clarification or seeking advice of the learned District Judge prior to passing such orders.

Accordingly, the order dated 19.08.2023 and 14.09.2023 passed by the learned Judicial Magistrate, 7th Court, Howrah in G.R. 4104 of 2016 being not in accordance with law is set aside and quashed.

It is clarified that the proceeding in respect of all other accused persons in G.R. 4104 of 2016 other than the petitioner 'Chhangoolal Gupta' in CRR 591 of 2019 shall proceed in accordance with law.

Let a copy of this order be sent to the learned trial Court for information and guidance. A copy of the same be also sent to the learned District Judge, Howrah, for information.

CRR 4523 of 2023 is disposed of.

All connected applications, if any, stand disposed of.

Interim order, if any, stands vacated.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties expeditiously after due compliance.

(Shampa Dutt (Paul), J.)