

09.09.2021

Item No.7
Ct.No.34
dc.

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION**

C.R.R. 2327 of 2018
with
CRAN 3 of 2019 (Old No. CRAN 2359 of 2019)
(Via Video Conference)

Dr. Ravi Ganesh Bharadwaj & Ors.
versus
Ranjit Sarkar

In Re: An Application under Section 482 of the Code of Criminal Procedure, 1973.

Mr. Milon Mukherjee, Sr. Adv.,
Mr. Biswajit Manna ... For the Petitioners.

Certified copy produced by Mr. Mukherjee, learned senior advocate appearing for the petitioners be kept with the record.

The order dated 16.04.2021, which has been passed by the learned Judicial Magistrate, 4th Court, Barrackpore, reveals that the complaint case has been “dismissed for default”. So far as the provision of Criminal Procedure Code is concerned, the only section which is applicable will be Section 256 of the Code of Criminal Procedure in cases where the complainant is absent and the learned Magistrate is not willing to proceed with the case. The proper interpretation of application of the section obviously will be an order of acquittal in favour of the accused for non-appearance of the complainant.

In view of the present position of the complaint case, no order is required to be passed in the revisional application being CRR 2327 of 2018. As such, the same is disposed of.

Interim order, if any, is hereby vacated.

All pending connected applications, if any, are consequently disposed of.

Department is directed to communicate this order to the learned court below.

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

(Tirthankar Ghosh, J.)