

17.09.2025
DL-41
Court No.237
(AD)

CRR 3610 of 2025

In Re.: An application under Section 528 read with Section 442 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

And

In the matter of : Kazi Moidul Islam

... ..petitioner

Mr. Habibur Rahaman, Advocate
Mr. Archishman Singh, Advocate
... for the petitioner.

1. The instant revisional application has been filed seeking setting aside of an order passed on July 5, 2025 in C.R. Case No.203 of 2025 dated January 30, 2025 pending before the Court of learned Additional Chief Judicial Magistrate, Chandannagar.
2. By the impugned order, the learned Additional Chief Judicial Magistrate disposed of the complaint case being C.R. Case No.203 of 2025.
3. It is submitted on behalf of the learned Advocate appearing for the petitioner that the petitioner was diligently pursuing his case and was taking reasonable steps. However, on July 5, 2025 due to non-appearance of the petitioner, the case was dropped for non-prosecution.
4. Heard the learned Advocate appearing for the petitioner.
5. It transpires from the copy of the order sheets annexed with the application that the complaint case was filed by the petitioner on February 1, 2025. It was fixed on April 2, 2025 for S.A. He was examined on such date. No cognizance of the offences punishable under Sections 248/351(2)/356 of

BNS, 2023 was taken against the person pending hearing of the accused person. Thereafter, the case was again fixed on 22nd May, 2025 and the complainant did not appear till 1.00 p.m. The petitioner was asked to submit a show cause as to why the complaint case should not be dropped for non-appearance. The case was fixed on July 5, 2025 for filing of the show-cause by the petitioner. On the date so fixed by the impugned order, the petitioner again did not turn up and the learned Additional Chief Judicial Magistrate proceeded to drop the complaint case for non-prosecution.

6. It is this order which has been challenged in the revisional application.
7. From the materials placed with the application, there appears no explanation on the part of the petitioner as to what prevented him from appearing in the complaint case on two consecutive dates resulting in dropping of his complaint case. No explanation has been shown by the petitioner for his non-appearance before the learned Court of Additional Chief Judicial Magistrate on the dates so fixed.
8. Under such circumstances, I find no merit in the revisional application.
9. **CRR 3610 of 2025 is dismissed.**

(Md. Shabbar Rashidi, J.)