

24-10-2025
ct no. 22
Sl. 28
RP

C.R.R. 2721 of 2018

Santanu Mondal

-Versus-

State of West Bengal & Ors.

Mr. Joydeep Roy
Mr. Dipankar Pramanick

.... for the State.

1. Opposite Party No. 1, the State, is duly represented by Learned Advocates Mr. Joydeep Roy and Mr. Dipankar Pramanick.
2. None appears to represent the Petitioner nor any accommodation is prayed for on his behalf.
3. The record confirms that the Petitioner was last represented by counsel on 28th February, 2019, when the matter was directed to appear as a contested application. A mandatory direction was issued to the Petitioner to effect service upon the Opposite Parties and file an affidavit of service within a fortnight. This direction remains uncomplied with to date.

4. Recognizing this protracted absence and failure to prosecute, this Bench, vide Order dated 28th November, 2024, directed the Department to serve administrative notice upon the parties. The Report of the Assistant Registrar XII dated 19th December, 2024, confirms due service upon the Petitioner. The Petitioner's continued non-appearance today, despite proof of administrative service, constitutes a final act of wilful default.
5. The inordinate delay in the disposal of this file is thus directly and demonstrably attributable to the Petitioner's dilatory conduct. The justice delivery system cannot be perpetually held hostage to the sheer indifference of a litigant. Consequently, this Court is compelled to exercise its plenary powers to proceed and dispose of the matter solely upon the undisputed materials available on the record, for the vindication of the ends of justice and to ensure a final *quietus* to this long-pending file.
6. Accordingly, the instant Criminal Revisional Application, CRR No. 2721 of 2018, is taken up for final adjudication.
7. This Application, preferred under the extraordinary supervisory jurisdiction conferred by Article 227 of the Constitution of India, seeks to assail Order No. 21 dated 30th March, 2017 and Order No. 23 dated

21st April, 2017, passed by the Learned District and Sessions Judge, Hooghly, rejecting the Petitioner's ancillary applications under Section 340 of the Cr.P.C. (perjury) and Section 91 of the Cr.P.C. (summons for documents).

8. The crucial facts establishing the legal bar are manifest from the record including Supplementary Affidavit of the petitioner dated February 27, 2019:

a) The applications under Sections 340 and 91 Cr.P.C. were moved during the pendency of the principal matter, a transfer case under Section 408 Cr.P.C.

b) The said principal matter was finally disposed of on merits vide Order dated 25th August, 2015, in the presence of Advocates for both parties.

c) The Learned Advocates failed to bring the pendency of the two ancillary petitions to the notice of the Trial Court prior to the final order.

9. The Learned District and Sessions Judge correctly reasoned that entertaining the subsequent applications would unlawfully tantamount to the reopening and review of the final order of 25th August, 2015. This conclusion is eminently sound

in law and legally mandated by the unequivocal statutory prohibition enshrined in Section 362 of the Code of Criminal Procedure, 1973. Section 362 imposes an absolute bar on a criminal court from altering or reviewing its judgment or final order once it has been signed, thereby rendering the court functus officio. The Trial Court was thus legally constrained.

10. The power of this Court under Article 227 is strictly limited to correcting jurisdictional errors or manifest illegalities. Since the impugned orders are founded upon a correct application of a fundamental statutory limitation imposed by the Code, they suffer from no jurisdictional infirmity or impropriety.

11. The Revisional Application is, therefore, wholly devoid of merit and must fail.

12. In view of the Petitioner's deliberate procedural default and the legal correctness of the impugned orders:

a) The Criminal Revisional Application, CRR No. 2721 of 2018, is hereby dismissed on merits.

b) The interim stay, if any, granted herein shall automatically stand vacated.

c) There shall be no order as to cost.

13. Urgent certified photostat copy of this order, if applied for, shall be supplied to the parties subject to compliance with all requisite legal formalities.

(Uday Kumar, J.)