

27.11.2025

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CRAN 1 of 2025
in
CRR 3591 of 2024

In Re : Sanjib Kumar Majumdar & Others

Mr. Swapan Kr. Mazumdar
Mr. Saptarshi Mazumdar
... For the Applicants-Petitioners

The petitioners seek clarification of the order passed on 20th March, 2025 to the extent that the petitioners be granted liberty to pursue the application under Section 239 of the Code of Criminal Procedure before the learned Magistrate.

By an order passed on 20th March, 2025 the petitioners were granted liberty to withdraw the application and file a fresh application on the same cause of action. Learned Magistrate has interpreted the said order in a manner that when this Court grants leave to file a fresh application, such application cannot be filed before any other Court. I am afraid the order of this Court has been misinterpreted. The petitioners were granted liberty to withdraw the application and file a fresh application on the same cause of action. The petitioners chose not to file a fresh application before this Court and approached the learned Magistrate with an application under Section 239 of the Code of Criminal Procedure. The order of this Court does not prevent the petitioners to do so. Also, the revisional

application having been withdrawn is no longer pending before this Court.

In view of the above, it is clarified that the petitioners have the liberty to file a discharge application before the learned Magistrate and the learned Magistrate shall deal with the same in accordance with law.

With the above observation, CRAN 1 of 2025 is disposed of.

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.)