

17.11.2025
Ct. No.42

Sl. No.34
Mujahid

CRR 4755 of 2025

Sk. Sajahan
Vs.
Sahinur Begum & Anr.

Mr. Syed Nzmul Hossain
Mr. Syed Raihanul Hossain
Mrs. Syed Musarrat Sahin

...for the petitioner

1. Present petition has been filed challenging the order passed by the learned Additional Session Judge 2nd Court at Suri, Birbhum in Criminal Appeal No.27/2023 whereby the order of the learned Judicial Magistrate dated 3rd October, 2023 was set aside.

2. Learned counsel for the petitioner submits that the present petition was dismissed in default by the learned Judicial Magistrate on 28th April, 2022. Learned counsel submits that the application for restoration was moved only on 2nd July, 2022 without any application for condonation of delay. Learned counsel submits that this application was dismissed by the learned Judicial Magistrate 3rd Court at Suri, Birbhum vide a detailed and reasoned order dated 3rd October, 2023. Learned counsel submits that the learned appellate court by the impugned order dated 28th December, 2024 has wrongly allowed the appeal and restored the petition to its original petition.

Learned counsel submits that even the Stated was impleaded in the appeal.

3. The court has considered the submissions, it is a settled proposition that the revisional jurisdiction is a limited jurisdiction and has to be exercised with circumspection. The revisional court can interfere only if there is illegality or perversity in the order of the learned trial court. The revisional court cannot interfere only because another possible view could have been taken. The learned Additional Sessions Judge has considered the merit in detail. This court do not find any illegality or perversity in the order of the learned appellate court.

4. This court is of the firm view that except for exceptional reasons and circumstances, the mater should be decided on merit so as to put an end to the list between the parties. The court do not find any substance in the present petition.

5. Accordingly, CRR 4755 of 2025 is dismissed.

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

(Dinesh Kumar Sharma, J.)