

06.01.2025

Item No.12

Ct.No.2

Rakib

**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
CRIMINAL REVISIONAL JURISDICTION**

C.R.R. 361 of 2024

With

CRAN 1 of 2024

Bhawani Shankar Mitruka

Vs.

The State of West Bengal & Ors.

Mr. Shivam Jaiswal.

... For the Petitioner.

Mr. Nripendra Nath Das.

... For the O.P. No. 2 (in person).

Mr. Nilay Chakraborty, Ld. APP.

Mr. Aniruddha Biswas.

... For the State.

Affidavit-of-service so filed by the petitioner be kept with the record.

Petitioner has challenged the order dated 31.08.2024 wherein the learned Sessions Judge, Jalpaiguri was pleased to allow the application under Section 5 of the Limitation Act subject to payment of cost of Rs.35,000/-, out of which Rs.15,000/- was to be paid to the private respondents and Rs.20,000/- to the District Legal Services Authority, Jalpaiguri.

In view of the fact that the learned Sessions Judge, Jalpaiguri thought it fit and proper to hear the revisional application on merits, I am of the opinion that the cost which has been imposed should be re-visited.

Mr. Chakraborty, learned Additional Public Prosecutor appears on behalf of the State.

The private opposite party appearing in person submit that he has been harassed at the behest of the de facto complainant who again is malafidely trying to renew and regenerate the proceedings where the police authorities have already arrive at a finding.

Be that as it may the learned Sessions Judge is in seisin of the merits of the revisional application there has been definitely a long delay but since the learned Sessions Judge has already decided the hear the merits of the matter subject to payment of cost for condonation of the delay, I am not entering into the merits of the case.

Accordingly, I direct that the petitioner will deposit a sum of Rs.3,500/- within a period of 10 days in the mode and manner as has been decided by the learned Sessions Judge, Jalpaiguri. Learned Sessions Judge, Jalpaiguri would after the period of 10 days is over within a period of four weeks dispose of the revisional application on merits.

With the aforesaid observations CRR 361 of 2024 is disposed of.

Pending connected application, if any, is consequently disposed of.

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

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

(Tirthankar Ghosh, J.)