

18.05.2026  
SL No.43  
Court No.5  
S.Gayen

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

**CRR 53 of 2024**

In the matter of: **Rajeev**

...Petitioner

Mr. Jayanta Narayan Chattejee, Sr. Adv.  
Mr. Arijit Ghosh

...for the Petitioner

Mr. Nilay Chakraborty, Ld. APP (in-charge)

...for the State

1. The petitioner has filed the present revisional application challenging the order passed by the learned Judicial Magistrate, 1<sup>st</sup> Class, Gorubathan, Kalimpong dated 18.06.2022 wherein the Magistrate has acquitted the accused persons for the alleged offences under Sections 448/427/34 of the IPC. Being aggrieved and dissatisfied with the said order of acquittal, the petitioner has preferred an appeal before the learned Sessions Judge, Kalimpong being Criminal Appeal No. 6 of 2022. The learned District & Sessions Judge, Kalimpong has dismissed the appeal preferred by the petitioner and affirmed the order of acquittal passed by the learned Magistrate. Now, the petitioner has filed the present revisional application.
2. This Court finds that along with the present revisional application, the petitioner has also filed an application being CRAN 1 of 2024 under Section 5 of the Limitation Act for condonation of delay of 20 days in filing the present revisional application.

3. By an order dated 13.02.2024 this Court has directed the petitioner to serve the notice of the revisional application along with Section 5 of the Limitation Act application to the opposite parties. By an order dated 17.05.2024 the delay of 20 days was condoned and CRAN 1 of 2024 is disposed of. Since then the criminal revisional application is pending. The matter was taken up for hearing on 24.07.2024, none appeared on behalf of the petitioner. On 29.07.2024, as per prayer made by the learned counsel for the petitioner the case was adjourned. On 02.01.2025, 07.01.2025 and 17.03.2026 also none appeared on behalf of the petitioner. Today when the matter is taken up again the learned counsel for the petitioner prays for time.
4. This Court finds that the learned Magistrate has passed an order of acquittal of the opposite parties on the ground that the Investigating Officer has not seized any documents during the course of investigation to establish that the staff quarters which were alleged to be occupied by the opposite parties have been allotted to the petitioner. The prosecution failed to prove that the said quarters belongs to Hydel Project. The learned Magistrate has further found that none of the witnesses identified the accused persons by names or by face. The prosecution failed to prove during the trial that the accused persons are illegally occupied the quarter of the petitioner. The learned Magistrate has further recorded that during investigation, the Investigating Officer has prepared the sketch map and index and submitted that there are only eight houses/quarters at the place of

occurrence but in the complaint it is mentioned that thirteen families have been forcibly entered into the quarters but there was only eight quarters available as per the sketch map prepared by the Investigating Officer.

5. This Court perused the record, evidence and the judgments of the Trial Court as well as the Appellate Court. This Court did not find any materials on record that the petitioner has proved that the quarters which the petitioner is claiming have been allotted to the petitioner or the opposite parties have occupied the said quarters illegally.
6. Considering the above, this Court did not find any illegality in the order passed by the learned Trial Court or the learned Appellate Court.
7. Accordingly, **CRR 53 of 2024 is dismissed.**
8. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.
9. Urgent Photostat certified copy, if applied for, be given to the parties upon compliance with all formalities.

***(Krishna Rao, J.)***