

**Crl. Revision No. 103 of 2024**  
**J.O. Code No. WB00864**

**Order No. 3, dated 16.5.24**

Today is fixed for appearance before this court upon transfer of the record from the court of learned Sessions Judge, North 24 Parganas.

Hajira is filed on behalf of the revisionist.

Learned lawyer appearing on behalf of the revisionist submits that he intends to move the application for stay of the operation of the impugned order dated 16.3.2024 passed by the Ld. Judicial Magistrate 2<sup>nd</sup> Court, Barasat in Misc.Case No. 40 of 2023.

Heard learned lawyer for the revisionist. Perused the petition along with the materials on record.

The revision has been preferred against an order of learned J.M 2<sup>nd</sup> Court, Barasat by which the learned court has rejected an application for restoration of Complaint Case 2437 of 2019 which was dismissed on 24.6.2022 due to non appearance of complainant with the observation that in absence of specific provision in the Code, the Magistrate cannot exercise any inherent jurisdiction to restore the case.

Considering the materials on record and the submissions made, I do not find any exigency to pass any order of stay of operation of the impugned order. Thus, the prayer for stay is refused.

Issue notice.

Call for LCR.

To 20.6.24 for S/R/ appearance.

Dictated by me

Addl.Sessions Judge,  
2<sup>nd</sup> Court, Barasat, North 24-Pgs.

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