

Criminal Revision 10/2022

Order no.05.

Dt.05.04.23.

Today is fixed for SR of respondent nos.1 and 2.

Revisionist file hazirah. Revisionist files an application praying for an order to dispose of the instant case exparte on the ground that despite service of notice the opposite party did not enter appearance. Along with such application copy of track report and postal receipt is submitted.

One Sri Vivek Sharma receives copy of the application u/sec.399 of Cr.P.C for the State/OP no.1.

Heard Ld. Advocate for the revisionist.

Ld. Advocate appearing for the revisionist prays to hear the case exparte against respondent no.2 as the notice sent to him returned with the remark 'addressee left without instructions'.

From the record it appears that earlier the notice returned with the postal remark 'insufficient address'. The postal receipt attached with the copy of track report submitted as on this date does not bear the full address of the OP no.2 and as such it cannot be gathered therefrom that the same was sent to the address as stated in the cause title of the application. Moreover, from the photocopies of documents submitted by the revisionist it appears that the OP no.2 is also resident of premises no.417/1, GT Road, P.S. Golabari, Howrah, Pin 711101. However, the said address has not been mentioned in the cause title of the application u/sec.399 of Cr.P.C.

In view of the aforesaid facts and circumstances, I do not think it just and proper to hear the case exparte against OP no.2. Hence, the petition dated 05.04.23 stands rejected.

Revisionist to take steps.

To 10.05.23 for SR of OP no.2.

D/C by me,

ASJ, FTC-II, Sealdah.

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