

**HIGH COURT OF TRIPURA
AGARTALA
WP(Crl.) No.1 of 2021**

Sri Gopal Roy

..... Petitioner(s)

V E R S U S

The State of Tripura and ors.

..... Respondent(s)

For Petitioner(s) : Mr. P. Roy Barman, Sr. Advocate.
Mr. S. Bhattacharjee, Advocate.

For Respondent(s) : Mr. Samrat Kar Bhowmik, Sr. Advocate.
Mr. A. Bhattacharjee, Advocate.

**HON'BLE THE CHIEF JUSTICE MR. APARESH KUMAR SINGH
HON'BLE MR. JUSTICE T. AMARNATH GOUD**

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07/08/2023

It appears that vide order dated 6th January 2021 the learned

Single Judge observed as follows:-

“The petitioner’s grievance revolves around alleged illegal search of his residential premises by the police authorities despite rejection of a search warrant by the concerned Magistrate. This petition is thus primarily under Section 482 of Cr.P.C. The same may be numbered as Writ Petition(Criminal) and post it on 3rd February, 2021 to enable the respondents to file reply.”

Thereafter, we have noticed that the writ petition was filed under Article 226 of the Constitution of India. However, it appears that after the order dated 6th January 2021, the nomenclature of the writ petition has been converted to Writ Petition (Criminal) but in view of the observations

made by the learned Single Judge, it is primarily to be treated as a petition under Section 482 of the Cr. P.C., which is amenable to the jurisdiction of learned Single Judge. The Registry seems to have listed the instant matter before the learned Division Bench thereafter but this fact remained unnoticed. As such, Mr. P. Roy Barman, learned Sr. counsel assisted by Mr. S. Bhattacharjee, learned counsel for the petitioner, submits that the writ petitioner has also apart from assailing the alleged illegal search, on the premises of the petitioner, made a claim for compensation in view of the deprivation of the Right to Life and Liberty granted under Articles 19 and 21 of the Constitution of India. Such relief can be granted only by Writ Court under Article 226 of the Constitution of India. As such, it is amenable to the jurisdiction of the learned Division Bench of this Court.

However, we are of the considered view that once the learned Single Judge has taken note of the averments in the writ petition and earlier by order dated 17th December 2020 had also issued notices, the learned Court was of the view that the challenge is primarily under Section 482 of the Cr.P.C. As such, in reference to the views of the learned Single Judge already indicated in the presence of the parties, the matter should have been listed before the learned Single Bench with the provision of law prescribed under Section 482 of Cr.P.C., being corrected in the cause title of the

petition. Since petitions under Section 482 of Cr.P.C., are numbered as criminal petitions, the nomenclature also needs to be changed as such.

Registry to take note and act appropriately.

(T. Amarnath Goud), J

(Aparesh Kumar Singh), CJ

Suhanjit

**RAJKUMAR
SUHANJIT
SINGHA**

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