

25.01.2021
25. Ct.30
AJ.

C.R.R. No. 192 of 2021

(Via Video Conference)

In the matter of : **Sri Shyama Pada Biswas.**

Mr. Sekhar Pal,
Mr. M. Islam.
...For the petitioner.

Grievance of the petitioner is that the learned Chief Judicial Magistrate, North 24-Parganas confirmed interim bail granted to the accused/opposite party on 19th December, 2020 without considering the application filed by the de-facto complainant/petitioner for cancellation of bail of the said opposite party.

It will be sufficient to mention here that an aggrieved person can file an application under Section 439(2) of the Code of Criminal Procedure for cancellation of bail before the learned Sessions Judge or the High Court. Both the Courts have concurrent jurisdiction.

The application for cancellation of bail was filed before the learned Chief Judicial Magistrate, North 24-Parganas at Barasat who lacks jurisdiction to entertain such application.

Considering such view of the matter, this Court is of the confirm opinion that instant revision cannot lie and this Court has no jurisdiction to consider legality, validity and propriety of the impugned order dated 19th December, 2020. Accordingly, the instant revision is summarily dismissed.

However, the petitioner is at liberty to file appropriate application before the competent forum, if so advised.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties on usual undertakings.

(Bibek Chaudhuri, J.)