

27.07.2021

Item No.5
Ct.No.34
dc.

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION**

C.R.R. 202 of 2012
(Via Video Conference)

Suman Bhattacharyya
versus
The State of West Bengal & Anr.

In Re: An Application under Section 482 of the Code of Criminal Procedure.

The present revisional application has been preferred in connection with C.R. Case No. CR 801/2010 under Section 138 of the Negotiable Instruments Act wherein the present petitioner challenged the issuance of process by the learned Judicial Magistrate, 5th Court, Paschim Medinipur.

I have perused the order dated 10.01.2012 which is the subject-matter of challenge before this Court and I find that the reasons so assigned by the learned Magistrate for issuance of process are in accordance with the settled principles of law. Needless to state that the Hon'ble Apex Court in umpteen occasions pronounced that recalling of process or maintainability of a proceeding before a learned Magistrate is not available in a case under summons procedure and the exclusive jurisdiction vests with the High Court under Section 482 of the Code of Criminal procedure.

Be that as it may, the reasons, so assigned by the learned Magistrate, are cogent and logical and as such, no interference is called for. The revisional application being CRR 202 of 2012 is, accordingly, dismissed.

Interim order, if any, is hereby vacated.

All pending applications, if any, are consequently disposed of.

Learned Magistrate is directed to conclude the trial, if the same has not been concluded, within a reasonable period of time.

All parties shall act on the server copy of this order duly downloaded from the official *website* of this Court.

(Tirthankar Ghosh, J.)