

Sl. 82
19.7.2021
Court No.26
AD

CRR 446 of 2005
(Via Video Conference)

In the matter of: Maitreyee Roy

... Petitioner.

Mr. Abhra Mukherjee
Mr. Sauradeep Dutta

...for the petitioner.

Mr. Tapan Deb Nandy

...for the State.

Affidavit of service filed in Court today be kept with the records.

Mr. Abhra Mukherjee, counsel appearing on behalf of the petitioner submits that this revisional application has been filed assailing the order dated December 2, 2004 passed by the Sub-Divisional Judicial Magistrate, Alipore wherein the authority has taken cognizance under Sections 435/323/427 of the Indian Penal Code.

Mr. Mukherjee submits that cognizance should have been taken under Section 307 as had been pleaded in the Naraji petition. However, the same was not done.

After hearing the counsel appearing on behalf of the parties, I am of the view that this revisional application can be disposed of with a direction upon the Chief Judicial Magistrate, Alipore to once again look into the Naraji petition properly and act in accordance with law. The order dated December 2, 2004 is quashed and set aside. The Chief Judicial Magistrate is directed to decide on this issue expeditiously in accordance with law.

Accordingly, this revisional application is disposed of and connected applications, if any, are also disposed of.

Department is directed to send down the lower Court records to the learned Court below forthwith.

(Shekhar B. Saraf, J.)