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C.R.R. No.808 of 2012
(Via Video Conference)

In Re: An application under Section 482 of the Code of Criminal
Procedure, 1973.

Sri Ajoy Pal @ Ajoy Kumar Pal & Anr.
Versus
The State of West Bengal & Anr.

Mr. Saryati Datta.
...for the petitioners.

The proceeding relating to Case No. C-555 of 2011 under
Sections 500/504/506 of the Indian Penal Code pending before the
learned Judicial Magistrate, 3rd Court, Barrackpore, has been
challenged before this Court.

The petitioner no.1 happens to be the Sub-Divisional
Officer of Barrackpore Sub-Division and the petitioner no.2 happens
to be the Deputy Magistrate and Deputy Collector within the same
Sub-Division, who have been implicated in this case. For
consideration of this case, some of the relevant paragraphs are set
out below:

“That concerned Ld. Advocates tried to meet with
the respected Ld. S.D.O., Barrackpore to report the
matter but it is unfortunate enough to state that the Ld.
S.D.O. not only flatly refused to meet with the Advocates
but also did not show minimum courtesy or respect to
the Advocates intended to meet.

That on the day, date and time of occurrence the same misbehaviour and attitude showed by Sri Dibyendu Bhattacharjee, the Ld. Sitting Executive Magistrate for the day to the Ld. Advocates.

That Ld. Magistrate after hearing the designation of your complainant became furious and behaved roughly, adamantly in presence of the full court room, litigant public and abused him like anything.

Not only that but also the said Executive Magistrate ignored the repeated plea regarding the above said matter of your complainant and unfortunately after passing some time suddenly shouted on your complainant by saying that “S.D.O. SAHEB JAHA BOLECHHEN AMI TAI KORIBO, AMI AYNEJIBIDER KONO BAKTABYA SHUNBONA” And as such he not only defamed the dignity, reputation of Ld. Advocates including your complainant but also disregarded them in presence of litigant public, court staff and others.

That it is not only very regretful but also deprecative to state that Sri Ajoy Kr. Pal, respected S.D.O., Barrackpore behaved like street beggars with the complainant and other Ld. Advocates present there and ordered them to leave the place with threat to entangle them in various criminal cases uttering “AMI JAHA BOLECHHI, TAI HOBE, APNARA BESHI KOTHA BOLLE KAHARO MAMLA BICHARPATI SHUNBE NA, UPARANTU

APNADER BIRUDDHE BYABOSTHA NEBO”. He further uttered that “APNADER COURTER BICHARPATI O JUDGE SAHEBRA TAKA KHEYE ORDER DAY, AMI EKTA CASE- A FINE KORE CHHILAM, HIGH COURT SETA KHARIJ KORE DIYECHEE, AI BHABE AMADER JUDGE SAHEBRA DURNITI KORE, PRATIBAD KORAR THAKLE TADER BIRUDDHE KORUN” with further uttering “ AMNADER KACHHE AMI AYNE SHIKHTE JABO, AMI JA JANİ ONEK JANİ, APNADER KACHEE SHIKHTE JABO NA”.

I have considered the aforesaid allegations and on an appreciation of the same, I am of the view that the incident occurred when the petitioners were exercising their duties in office. Learned Magistrate should have been much more cautious while issuing process against the present petitioners. I am of the view that the learned Magistrate should have taken into consideration the provisions of Section 197 of the Code of Criminal Procedure which is a protection afforded to a public servant while discharging his official duties otherwise each and every public servant would be a victim of unsubstantiated allegations.

Regard being had to the aforesaid observations, I am of the view that further continuance of proceedings would be an abuse of process of court and if the same is allowed to continue would degenerate itself into a weapon of harassment.

Accordingly, the complaint case being Case No.C-555 of 2011 pending before the learned Judicial Magistrate, 3rd Court, Barrackpore is quashed.

CRR No.808 of 2012 is thus allowed.

Pending application, if any, is consequently disposed of.

Interim order is made absolute.

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

(Tirthankar Ghosh, J.)