

28 (D/L)
28-06-2021
debajyoti

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION
(Appellate Side)**

(Via Video Conference)

CRR 750 of 2021

**Sri Kedar Kumar Sahoo
Vs.
Sri Sudhir Kumar Sahoo & Ors.**

Mr. Sujeet Kumar Maurya,
Mr. Sushil Kumar Maurya

... For the Petitioner.

Mr. Shibaji Kumar Das

... For the private opposite parties.

Mr. Swapan Banerjee,
Mr. Suman De

... For the State.

1. In this application, the petitioner has challenged an order dated February 18, 2021, passed by the learned Chief Judicial Magistrate at Alipore in a case being Serial No.45 of 2021 whereby the learned Magistrate declined to pass an order directing investigation under Section 156(3) of the Code of Criminal Procedure, 1973.

2. A bare perusal of the order indicates that the learned Judge made a categorical finding that the allegations made in the complaint under Section 156(3) were different from the complaints under Sections 154(1) and 154(3) of the Code of Criminal Procedure, 1973.

3. In view of the judgment delivered in **Mrs. Priyanka Srivastava and Anr. Vs. State of U.P. and Ors.**, reported in **AIR 2015 Supreme Court 1758**, the application under Section 156(3) of the Code of Criminal Procedure has to be preceded by the applications under Sections 154(1) and 154(3) of the Code of Criminal Procedure, 1973.

4. Since there were material differences in the complaints filed under Sections 154(1), 154(3) and 156(3) of the Code of Criminal Procedure, 1973 in my view, the learned Judge was justified in not allowing the application under Section 156(3) of the Code of Criminal Procedure, 1973. There is no merit in the revisional application. The revisional application being CRR 750 of 2021 is, accordingly, dismissed.

(Kausik Chanda, J.)