

16.09.2021

Ct No. 35

D/L 145

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C.R.R. 926 of 2021
(Via Video Conference)

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

In re : **Md. Ehteshamuddin,**

... Petitioner

Mr. Samarjit Ghosal,
Mr. Sarban Bhattacharjee,

... for the petitioner

Mr. Madhusudan Sur,
Mr. Arijit Ganguly,
Mr. Dipankar Paramanick,

... for the State

The present proceeding being Narkeldanga Police Station Case No. 79 of 2017 under Sections 467/468/474/419/120B of the Indian Penal Code, 1860 was filed on the basis of a suo-moto complaint lodged by a Sub-Inspector of Police attached to Narkeldanga Police Station.

The complaint suggests that a search was conducted by the team of Narkeldanga Police Station in the residential address of the petitioner at 168/W, Keshab Chandra Sen Street, P. S. Amherst Street, Kolkata- 700 009, in connection with Narkeldanga Police Station Case No. 57 dated 10.03.2017 under Section 379 of the Indian Penal Code, 1860. From the search in the aforesaid premises of the petitioner, several incriminating

articles, such as, seals, rubber stamps and letterheads of different advocates were recovered.

Upon interrogation of the petitioner, it was revealed that the petitioner and others had engaged themselves in a conspiracy and pursuant to that, the petitioner forged signatures and seals of different persons, including some government officials and used the same as genuine for the purpose of cheating.

On the basis of such a complaint, the investigation was carried out, and charge sheet was also submitted. After taking cognizance, the case was transferred to the Court of learned Judicial Magistrate, 2nd Court, Sealdah, South 24-Parganas.

Before the learned Magistrate, an application was filed by the petitioner contending that the learned Magistrate had not territorial jurisdiction to try the case since the search and seizure was made at the residence of the petitioner within the jurisdiction of the Amherst Street Police Station, in view of Section 177 of the Code of Criminal Procedure, 1973, the learned Magistrate should transfer the case to a Court having jurisdiction over the Amherst Street Police Station.

The learned Magistrate, by an order dated February 5, 2021, observed that he had no power to entertain the petition and granted liberty to file the petition before the appropriate forum. The learned Magistrate, however, fixed the next date for appearance and charge.

It has been submitted by the learned advocate for the petitioner that when the learned Magistrate himself granted liberty to the petitioner to file the application for transfer before

the appropriate forum, the learned Magistrate ought not to have proceeded with the case and fixed the date for appearance and charge.

In course of hearing of the case before this Court, the case diary was directed to be produced.

Mr. Madhusudan Sur, learned Additional Public Prosecutor appearing for the State, points out before this Court that from the case diary that the petitioner has forged seals, rubber stamps and letterheads of some persons, including Pappu Singh, Danish Reza, Md. Shakil and Dhiraj Jalan, who reside within the jurisdiction of Narkeldanga Police Station. Statements of those persons were recorded by the police and those statements have been made a part of the charge sheet.

In that view of the matter, I am of the opinion that in terms of Sections 178 under Chapter XIII of the Code of Criminal Procedure, 1973, the learned Judicial Magistrate, 2nd Court, Sealdah, South 24 Parganas has the jurisdiction to try the case.

Therefore, the observation of the learned Magistrate that the petitioner should have filed a petition for transfer of the case before the appropriate forum, is redundant.

The revisional application is disposed with a direction upon the learned Judicial Magistrate, 2nd Court, Sealdah, South 24 Parganas, to proceed with the G. R. Case No. 865 of 2017 in accordance with law.

The revisional application being **C.R.R. 926 of 2021** is, thus, disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties, upon compliance with all necessary formalities.

(Kausik Chanda, J.)