

Sr. 24
22-06-2021
Subha.
Court no. 34

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION
APPELLATE SIDE
(Via Video Conference)**

CRR 2884 of 2017

In Re : **Samrajny Konar.**

.....Petitioner.

In the matter of : An application under Sections 401 of the Code of Criminal Procedure, 1973.

Mr. Swapan Banerjee, Sr. adv.,
Mr. Suman De

.....for the State.

As none appears on behalf of the petitioner or for the State, Mr. Swapan Banerjee, learned senior advocate along with Mr. Suman De, learned advocate who are present in court, are directed to appear in this matter and represent the State. Their appointment may be regularized by the Office of the learned Public Prosecutor, High Court, Calcutta.

The subject-matter of the revisional application is the order dated 24th April, 2017 passed by the learned Chief Judicial Magistrate, Howrah wherein the learned Magistrate was pleased to dismiss the application under Section 156(3) of the Code of Criminal Procedure which was filed at the instance of the present petitioner.

I find that the learned Magistrate while considering the application held that the said application was not in

conformity with the guidelines laid down by the Hon'ble Apex Court in the judgement viz., ***Priyanka Srivastava & Anr. – versus- State of Uttar Pradesh & Ors.*** reported in ***(2015) 6 SCC 287.***

As no affidavit was filed in support of the allegations and further the allegations, prima facie, relate to service dispute and that too against the government officer, it was, therefore, incumbent that the learned Magistrate would take into consideration the provisions relating to Section 197 of the Code of Criminal Procedure.

Having considered the allegations made in the application under Section 156(3) of the Code of Criminal Procedure as also the order dated 24th April, 2017, I am of the view that the learned Magistrate has recorded his subjective satisfaction for not directing the Officer-in-Charge of the concerned Police Station and rejecting the application under Section 156(3) of the Code of Criminal Procedure. The reasons so assigned by the learned Magistrate are perfect and do not call for any interference.

As such, the revisional application being CRR 2884 of 2017 is dismissed.

All connected applications, if any, are also disposed of.

All parties are to act on the server copy of this order duly downloaded from the official website of this court.

(Tirthankar Ghosh, J.)