

SL. 10.
March 19, 2021.
MNS

**CALCUTTA HIGH COURT
In the Circuit Bench at Jalpaiguri**

**MAT 16 of 2021
with
CAN 1 of 2021**

(Through Video Conference)

**Bimal Chandra Narjinary
Vs.
The State of West Bengal and others**

Mr. Kumar Shantanu

...appellant.

Mr. Hirak Barman,
Ms. Bedashruti Bose

...for the State-
respondents.

Learned counsel appearing for the appellant argues that the learned Single Judge did not consider the fact that such matters concerning offences under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 have to be heard before a designated Judge.

Moreover, the report, on the basis of which the impugned order was passed, it is argued, was not submitted by an officer

empowered under the said Act of 1989 to make such enquiry/investigation.

However, it appears from the order of the learned Single Judge that the learned Single Judge considered not only the report, but also other materials on record.

Moreover, the submissions being made now before the appellate court are beyond the scope of the writ petition itself, and also beyond the pleadings, which were being considered by the learned Single Judge. That apart, the learned Single Judge left it open for the petitioner to take appropriate steps in connection with the case pending before the criminal court initiated on the basis of his first complaint dated July 11, 2019.

As such, we do not find any error of law or fact sufficient to interfere with the impugned order, since the discretion was exercised judicially by the learned Single Judge.

Accordingly, MAT 16 of 2021 and CAN 1 of 2021 are dismissed.

There will be no order as to costs.

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

(Sabyasachi Bhattacharyya, J.)

(Kausik Chanda, J.)