

06.06.2022
Court No. 19
Item no.77
CP

WPA No. 1153 of 2022

Sri Kalyan Krishna Nandi
Vs.
The State of West Bengal & ors.

Mr. Kalyan Krishna Nandi

....writ petitioner -in- person.

Supplementary affidavit filed in court today is taken on record.

My predecessor Judge had directed the Registrar General, High Court at Calcutta, to obtain a report from the learned District Judge, North 24 Parganas on the complaints made by the petitioner in this writ petition.

This court was not inclined to entertain the writ petition further in view of the fact that any illegality or irregularity alleged against a learned judicial officer while discharging his judicial function should be brought to the notice of the Hon'ble High Court either by way of an application for revision or under Article 227 of the Constitution of India.

However, the report of the learned Registrar General shows that the learned District Judge had enquired into the matter and the learned ACJM, Bidhannagar had intimated the learned District Judge, North 24 Parganas that the order dated

September 16, 2021 passed in CRR 3352 of 2018 was not brought to the notice of the learned ACJM by way of an application or a petition and, as such, the directions could not be complied with. However, the learned ACJM informed the District Judge that the erstwhile order passed by the High Court would be complied with by the said learned ACJM, Bidhannagar with diligence and sincerity.

Under such circumstances, the writ petitioner is at liberty to approach the learned ACJM, Bidhannagar praying for necessary compliance of the order dated September 16, 2021 passed in CRR 3352 of 2018 by filing appropriate application as per the directions of this court. Relevant portion of the said order is quoted below:

“Be that as it may, the petitioner is at liberty to prefer an application under Section 200 of the Code of Criminal Procedure before the jurisdictional court and the jurisdictional court on an assessment of the allegations will arrive at his own finding and thereafter decide whether the process should be issued under Section 204 of the Code of Criminal Procedure or in the alternative the complaint should be dropped under Section 203 of the Code of Criminal Procedure. The learned Magistrate would proceed in accordance with law and it is needless to state that any order passed by this Court should not influence or sway the learned Magistrate in arriving at his independent findings.”

Report of the learned Registrar General containing the report of the learned District Judge, North 24 Parganas is taken on record.

With the above observations, the writ petition is, thus, disposed of. There shall be no order as to costs.

Parties are to act on the server copy of this order.

(Shampa Sarkar, J.)