

23.12.2022
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SB
Ct. No.236

CRR 624 of 2010
CRAN 1 of 2010
CRAN 2 of 2010
CRAN 3 of 2010
CRAN 4 of 2022

In the matter of : Sri V. Shankar @ Viswanathan Shankar & Ors.

Mr. Ayan Bhattacharyya
Mr. Sharegul Haque
Ms. Ritu Das
Mr. Suman Majumder ... for the petitioners

Mr. N. P. Agarwala
Mr. Pratick Bose ... for the O.P. No. 2

Affidavit of service is taken on record.

Heard Mr. Bhattacharyya, learned counsel representing the petitioners.

Drawing my attention to the order dated 21.7.2009 passed by the learned Chief Judicial Magistrate, South 24 Parganas, Alipore in Complaint Case No. 4619 of 2009, Mr. Bhattacharyya submits that the opposite party no. 1 Sri Nirmaljit Singh Hoon filed a petition of complaint before the learned Chief Judicial Magistrate, South 24 Parganas, Alipore, against nine accused persons and all of them are of 7, Theater Road, presently known as Shakespear Sarani, P.S. Shakespear Sarani. The said petition of complaint was registered as C-4619 of 2009 and the learned Chief Judicial Magistrate, South 24 Parganas, Alipore was pleased to take cognizance of the offence without taking into consideration the fact that none of the accused persons since are residing within the jurisdiction of learned Chief Judicial Magistrate, South 24

Parganas he was under obligation to comply with the provision of Section 202 of Cr.P.C. as amended with effect from 23.6.2006.

According to Mr. Bhattacharyya, the learned Chief Judicial Magistrate, South 24 Parganas, Alipore, failed to exercise jurisdiction vested upon him. The proceeding is, therefore, liable to be quashed.

Upon perusal of the certified copy of the impugned order as well as the copy of the petition of complaint, I do not find any reason to disagree with the submission of Mr. Bhattacharyya.

If the Complaint Case No. C-4619 of 2009 is allowed to remain in force it would amount an abuse of process of law. Therefore, invoking the inherent jurisdiction under Section 482 of Cr.P.C. I am inclined to quash the proceeding.

The Criminal Revision along with applications are disposed of

The copy of the order be sent down to the learned Trial Court for information and necessary action.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties, upon completion of requisite formalities.

(Siddhartha Roy Chowdhury, J.)