

21.04. 2022
item No.17
n.b.
ct. no. 34

CRR 1176 of 2022

**Sanjay Rajbanshi @ Hidda
Vs.
State of West Bengal**

Mr. Sudip Ghosh Chowdhury,
Mr. Argha Das,
Mr. Abhishek Bose
.....for the Petitioner

Mr. S.G. Mukherjee, P.P.,
Mr. Arijit Ganguly,
Mrs. Debjani Sahu
.....for the State

Mr. Ghosh Chowdhury, learned advocate appearing for the petitioner has drawn the attention of this Court to the order passed by the Executive Magistrate.

Mr. Arijit Ganguly, learned advocate appears on behalf of the State.

Mr. Ghosh Chowdhury, learned advocate for the petitioner has vehemently opposed the manner in which the proceedings being NGR(EX) No. 02 of 2022 under Section 110 of the Code of Criminal Procedure is progressing before the learned Executive Magistrate.

On the other hand Mr. Ganguly, learned advocate appearing for the State submits that the present petitioner has history of antecedents, which have been expressed in the application under Section 110 of the Code of Criminal Procedure.

Be that as it may an executive Magistrate while acting in discharge of his official duties is to follow the law, I find there has been non-compliance of Section 111 of the Code of Criminal Procedure.

Having regard to the same, I direct the Learned Executive Magistrate first to adhere to the provisions of Section 111 of the Code of Criminal Procedure and thereafter progress with the proceedings of the case.

With the aforesaid observations, CRR 1176 of 2022 is disposed of.

All pending connected applications, if any, are consequently disposed of.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Tirthankar Ghosh, J.)