

23-03-2022
Subha
Item--04
Ct -.34

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

C.R.R 987 of 2019
with
IA No CRAN 1 of 2020(Old No. CRAN 2696 of 2019)
with
CRAN 5 of 2022

In Re: An application under Section 482 read with Sections 397/401
of the Code of Criminal Procedure, 1973.

In the matter of : **Smt Soma Bag & Ors.** ...Petitioners.

Ms. Reshmi Ghosh
Mr. Koustav Bagchi
Mr. Debayan Ghosh
.....for the petitioners.

Mr. Milon Mukherjee, Sr. Advocate,
Mr. Samrat Goswami
.....for the opposite party no.2.

Ms. Zareen Khan
Ms. Sreeparna Das
....for the State.

Record reflects that the learned Judicial Magistrate, 2nd
Court, Barasat after examination of the complainant on 01.11.2018
was pleased to issue process against the present petitioners under
Sections 506/506(2)/120B/34 of the Indian Penal Code.

Having regard to the fact that some of the accused
persons were residing outside the jurisdiction of the court it was
incumbent upon the learned Magistrate prior to the issuance of
process to comply with the provisions of Section 202 of the Code of

Criminal Procedure as reiterated by the Hon'ble Supreme Court in the case of National Bank of Oman –vs- Barakara Abdul Aziz & Anr reported in (2013) 2 SCC 488 and in the case of Abhijit Pawar –vs- Hemant Madhukar Nimbalkar & Anr reported in (2017) 3 SCC 528. Thus, the order issuing process is hereby set aside.

Accordingly, the revisional application being CRR 987 of 2019 is partly allowed.

Learned Magistrate is directed to first adhere to the provisions of Section 202 of the Code of Criminal Procedure, satisfy himself regarding the possibility of any alleged offence being committed having regard to the fact that some of the proposed accused are residing abroad.

All pending applications, if any, in connection with the revisional application, are consequently disposed of.

Interim order, if any, is hereby vacated.

All concerned parties are to act in terms of a website copy of this order duly downloaded from the official website of this court.

(Tirthankar Ghosh, J.)

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