

Form J(2)

**IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction
Appellate Side**

**Present :
The Hon'ble Justice Bibek Chaudhuri**

CRR 1973 of 2022

**Tanmoy Kumar Paul & Ors.
Vs.
The State of West Bengal & Ors.**

**For the petitioners : Mr. Tanmoy Chowdhury, Adv.,
Ms. Ritoprita Ghosh, Adv.**

**For the State : Ms. Faria Hossain, Adv.,
Mr. Baisali Basu, Adv.**

**Heard &
Judgement on : 23.06.2022.**

Bibek Chaudhuri, J.

Order dated 20th April, 2022 passed by the Learned Special Executive Magistrate, Barrackpore Police Commissionerate in respect of Nimta Police Station G. D. Entry Nos. 1048/1053 dated 17.11.2021 in a proceeding under Section 107 of the Code of Criminal Procedure is under challenge in the instant criminal revision on the ground that the provision of Section 111 has not been followed.

This Court is of the opinion that the instant revision can be disposed of with the assistance of Ms. Faria Hossain, Learned Public Prosecutor-in-Charge, High Court, Calcutta. Learned Advocate for the petitioner is requested to serve a copy of the application to the Learned Public Prosecutor-in-Charge. The contention of the petitioner is that a proceeding under Section 107 was dawn up against the petitioners without complying Section 111 of the Code of Criminal Procedure.

Section 111 of the Code of Criminal Procedure runs thus:-

"111. Order to be made. – When a Magistrate acting under Section 107, Section 108, Section 109 or Section 110, deems it necessary to require any person to show cause under such section, he shall make an order in writing, setting forth the substance of the information received, the amount of the bond to be executed, the term for which it is to be in force, and the number, character and class of sureties (if any) required".

Plain reading of the above provision suggest that it is necessary for the Magistrate acting under Section 107 to require any person to show cause under such Section and he shall make an order in writing, setting forth the substance of the information received, the amount of

the bond to be executed, the term for which it is to be in force, and the property, character and class of sureties (if any) required.

On perusal of the impugned order dated 20th April, 2022 this Court finds that the Learned Executive Magistrate has not set forth the substance of information received. Therefore, the petitioners are unaware with regard to the substance of acquisition for which they are proposed to give security for keeping piece and public tranquility.

In view of such circumstances, order dated 20th April, 2022 is set aside. The instant revisional application is **allowed** on contest.

The Learned Special Executive Magistrate, Barrackpore Police Commissionerate, however, is at liberty to draw up similar proceedings against the petitioners in compliance with Section 111 of the Code of Criminal Procedure.

There shall be no order as to costs. Be no order as to costs.

(Bibek Chaudhuri, J.)

Srimanta, A.R.(Ct.)