

CRLCP 6 of 2022

Anurupa Roy
Vs.
Aninda Sundar Das

Ms. Anurupa Roy,
...petitioner appears in person.
Mr. Imran Ali,
Ms. Debjani Sahu,
...for the State.

The petitioner, appears in person, drawing the attention of this Court to the order dated 7th of July, 2022 passed by the learned A.C.J.M. Baruiipur.

The contention of the petitioner, appearing in person, is that there has been wilful disobedience of the order dated 2nd February, 2022 passed in CRR 1716 of 2019. By the order dated 2nd February, 2022, this Court in CRR 1716 of 2019 was pleased to pass the following order:

“Consequently, as the records reflect that the evidence has already commenced, I give liberty to the present petitioner being the defacto-complainant to take out an application under Section 319 of the Code of Criminal Procedure at the appropriate stage of the trial and the learned trial Court, if it is satisfied that prima facie materials are appearing for further proceeding under different set of sections which may not be within the domain of the learned Magistrate, the learned Magistrate will be at liberty to come at a fresh finding and commit the case to the court of sessions for further consideration and for being disposed of in accordance with law”.

The petitioner thereafter approached the learned A.C.J.M. Baruiipur, in seisin of the case, and filed an application under Section 319 of the Code of Criminal Procedure. Learned A.C.J.M. Baruiipur dismissed the application with an observation that the same is prematured

at the stage at which it was filed and granted liberty to the petitioner to file the same if she so desirous at the appropriate stage.

Having regard to the manner in which the order dated 7th July, 2022 has been passed by the learned A.C.J.M. Baruipur, I find that there has been no wilful disobedience of the order passed by this Court rather the learned Magistrate has adhered to the directions of this Court.

As the petitioner is appearing in person, I am of the opinion that she is unable to understand difference between a revisional jurisdiction and a contempt application. There may be a grievance of the petitioner in respect of the order dated 7th July, 2022. Addressing such grievance the petitioner would be at liberty to invoke the jurisdiction of the Hon'ble High Court at Calcutta under Section 401 read with Section 482 of the Code of Criminal Procedure. If such an application is preferred the same would be a subject matter of a different consideration regarding the merit of the order dated 7th July, 2022. However, contempt application is not maintainable, accordingly, CRLCP 6 of 2022 is dismissed.

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

(Tirthankar Ghosh, J.)