

CRR 2605 of 2018
with
CRAN 2590 of 2018
(Via video conference)

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

In the matter of : Subhajit Dutta

.....Petitioner

Mr. Uday Sankar Chattopadhyay
Mr. Pronay Basakfor the Petitioner

Mr. Imran Ali
Md. Kutub Uddin ...for the State

Learned Chief Judicial Magistrate, Burdwan by an order dated 8.5.2018, on perusal of the enquiry report submitted by Superintendent of Police, Purba Burdwan, was pleased to direct Khandaghosh Police Station to register a case under Section 182/211/419/353 of the Indian Penal Code against the complainant being the present petitioner and to cause investigation therein.

Mr. Chattopadhyay, learned advocate for the petitioner submits that the petitioner has been working for the upliftment of the society and for justice of the citizens and as such, the police authorities being enriched, tried to inflict torture upon his aged mother.

Learned advocate appearing for the petitioner could not satisfy this court in what manner, the petitioner happens to be a public servant. However, the Photostat copies of certain

documents have been handed over which reflects that the petitioner used to complain to the statutory authorities.

The report submitted by the Superintendent of Police, Purba Burdwan reflects that the petitioner has impersonated himself as a public servant. The report also reflects that there are other criminal cases pending against the petitioner.

I have considered the reports so submitted but at the same time, if there are overt acts by Government agencies, the same also cannot be ignored.

In such circumstances, I do not intend to interfere with the order passed by the Learned Chief Judicial Magistrate, Burdwan but if the petitioner files a complaint case against the Government officers against whom he is aggrieved, the learned Magistrate would consider the same in the background whether the same was in discharge of official duty and deal with the same independently.

With the aforesaid observations, the revisional application being CRR 2605 of 2018 is disposed of.

Pending application, if any, is consequently, disposed of.

Interim order, if any, is hereby vacated.

All parties are to act on the server copy of this order, duly obtained from the official website of this Court.

(Tirthankar Ghosh, J.)