

**25.08.
2022**

Item No.15
Court : 40

Ab

CRR 3052 of 2011
With
IA No. CRAN 1 of 2012 (Old No. CRAN 12 of 2012)

Biplab Mukhopadhyay
Vs.
Sanatan Saha.

Mr. Debasish Roy,
Mr. Kaushik Chatterjee,
Mr. Tirthankar Dey,
Ms. Mouli Sarkar.

... for the petitioner.

The sum and substance of the matter is that after filing a complaint by the Centurion Bank of Punjab Ltd. (now HDFC Bank) before the learned Chief Judicial Magistrate, Burdwan, the opposite party filed a written complaint alleging commission of offence under Sections 448/323/380/504/506 of the Indian Penal Code before the same Court on 2nd May 2008 referring to an incident that took place on 10th December 2007 and further stating in the complaint that the previous complaint was dismissed on the same incident on 4th January 2008.

The address of the accused persons, one of whom (accused no. 2) is the present complainant, is given as 88, Chowringhee Road, Kolkata – 20.

The learned Chief Judicial Magistrate took cognizance of the matter on the same date in oblivion of all the statutory provisions and in particular, the provision of Section 202(1) of the Code of Criminal Procedure and sent the matter to the Court of learned Judicial Magistrate, 3rd Court, Burdwan, for disposal.

This is a glaring laches on the part of the learned Chief Judicial Magistrate, who passed an order of cognizance in a most mechanical manner and without any application of mind complying with the statutory provisions.

Judicial process cannot be abused in this manner. It is a fit case, where this Court may interfere in exercise of jurisdiction under Section 482 of the Code of Criminal Procedure.

Accordingly, CR Case No. 313 of 2008 pending before the learned Judicial Magistrate, 3rd Court, Burdwan under Sections 323/380/506/504 of the Indian Penal Code stands quashed.

The instant revisional application and the connected application are disposed of.

Let a copy of this order be sent to the learned Judicial Magistrate, Third Court, Burdwan immediately.

(Sugato Majumdar, J.)