

12.05.2022
Sl.no. 6
Ct. No. 40
P.M.

C.R.R. 3090 OF 2017
With
CRAN 4 of 2019

Prabha Ranjan Chowdhury @ Prova Ranjan Chowdhury & Ors.
- vs -
The State of West Bengal & Anr.

Mr. Debanjan Bhattacharjee,
Ms. Swarnali Saha
Mr. Rajdeep Sinha
... for the petitioners

Mr. Kallol Kumar Basu,
Md. Jannat Ul Firdous,
Ms. Tithi Majumder
... for the opposite party No. 2

Ms. Anasuya Sinha,,
Ms. Jonaki Saha
... for the State

This is an application for quashing of complaint case being No. C-325/17 under Sections 323, 379, 506 and 34 of the Indian Penal Code, 1860 pending before the learned Additional Judicial Magistrate, 1st Additional Court, Basirhat, 24-Pargnas (North).

It appears that the opposite party No. 2 lodged a complaint case in the Court of learned Additional Judicial Magistrate alleging commission of offence under Sections 323, 379, 506 and 34 of the Indian Penal Code against the petitioners.

I need not go into the details of the content suffice it to say that the order taking cognizance by the learned Additional Judicial Magistrate is not sustainable in the eye of law. The said

order appears to have been signed on a dotted line, such exercise of power by the learned Additional Judicial Magistrate is not sustainable in law.

The learned advocate appearing on behalf of the petitioners refers a judgement passed in the case of Fabworth promoters (P) Ltd. and Ors. – vs – the State of West Bengal & Ors. wherein such type of order has been held to be illegal. The plain reading of the order is not sustainable in the eye of law.

Accordingly the order of taking cognizance dated June 3, 2017 is set aside. The matter is directed to be heard afresh by the learned Magistrate.

With this observation this revisional application along with CRAN 4 of 2019 are disposed of .

Urgent photostat certified copies of this order may be delivered to the learned Advocates for the parties, if applied for, upon compliance of all formalities.

(Kausik Chanda, J.)