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State of West Bengal

.... for the State

The person described as accused in the petition of complaint had not been made party in this revision as at the relevant time

summons were not issued against them. Learned advocate submitted that the State has been impleaded as opposite party only as a formal measure. At this juncture learned advocate for the petitioner submits that necessary order may be passed directing the learned Magistrate to hold enquiry in accordance with law.

Learned advocates appear for the State submitted that necessary order may be passed as may be deemed fit and proper.

Considered the submission made by the learned advocate for both parties. Perused the application for revision and the impugned order. It appears from the petition of complaint that the person described as accused are all having addresses outside the jurisdiction of the court.

In the case of S.S. Binu V. State of West Bengal (2018 C.R.L.J. 3767), a Division Bench of this High Court held that it is mandatory for a Magistrate to hold inquiry under Section 202 Cr. P. C before issuing summons against the accused if he was living beyond the territorial jurisdiction of the Magistrate. Therefore, the learned Magistrate has properly ordered an enquiry under Section 202 of the Code of Criminal Procedure and there is nothing to interfere with the said order.

The revisional application is therefore, dismissed. Interim order, if any, is vacated. Learned Metropolitan Magistrate, 11th Court, Calcutta shall complete the inquiry in accordance with law and take appropriate steps on the basis of results of the inquiry. Interim order, if any, stands vacated. Connected application, if any, is also dismissed.

Let a copy of this order be sent to the Metropolitan Magistrate,
11th Court, Calcutta for information and necessary action.

(Ananda Kumar Mukherjee, J.)