

03-01-2023
Subha
Item no.24
Ct no.34

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

CRR 323 of 2021

Ajoy Bhadra @ Mrinmoy Bhodra
-versus-
The State of West Bengal & Ors.

Re : An application under Sections 397/401/482 of the Code of Criminal Procedure.

Mr. Arnab Saha

....for the petitioner.

Affidavit of service so filed be kept with the record.

The revisional application has been preferred challenging the order dated 20th January, 2021 passed by the learned Special Executive Magistrate, Barrackpore Police Commissionerate directing the present petitioner to show cause as to why a proceeding under Section 107 Cr.P.C shall not be drawn up and made absolute against him on the basis of the police report so submitted.

The police report so submitted reflects that there was a business relationship between the petitioner and the opposite party and only a cryptic allegation has been made that the present petitioner threatened the business associate namely, Suman Ranjan Dasgupta with regard to the issues relating to the business and it has been further alleged that there has been breach of peace and tranquility in the locality. For drawing up a proceeding under Section 107 of the Code of Criminal Procedure and asking the persons summoned to reason or answer the cause, require a specific allegation and the subjective satisfaction that a proceeding under Section 107 of

the Code of Criminal Procedure is maintainable. The disputes narrated in the police report are private and personal in nature and to relate a locality in respect of the private dispute do not satisfy human prudence.

In view of the aforesaid, the notice so issued by the learned Special Executive Magistrate, Barrackpore Police Commissionerate dated 20.01.2021 is hereby quashed.

Accordingly, the revisional application being **CRR 323 of 2021** is **disposed of**.

Pending applications, if any, are consequently disposed of.

All concerned parties are to act in terms of a copy of this order duly downloaded from the official website of this court.

[Tirthankar Ghosh, J]