

Form J(1)

**IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction
Appellate Side**

**Present :
The Hon'ble Justice Bibek Chaudhuri**

CRR 657 of 2023

**Chanchal Debnath
Vs.
The State of West Bengal & Anr.**

Mr. Arunava Ghosh
Mr. Anant Kumar Shaw
Mr. Mainak Ganguly
..for the petitioner

Mr. Saswata Gopal Mukherjee, Ld. P.P.
Mr. Anand Keshari
..for the State

Item No. 05

Heard & Judgment on: 31.03.2023

Bibek Chaudhuri, J.

As per order dated 28th March, 2023 this Court wanted to know
from the Registry if any Court in the rank of the Judicial Magistrate,

First Class has been designated as a Special Court to try cases against the M.P.s. and M.L.A.s. It is reported by the learned Registrar (Judicial Service) that the Court of the learned Judicial Magistrate, Bidhannagar, North 24 Parganas has been designated as Special Court of Magistrate level for trial of criminal cases in favour of M.P.s. and M.L.A.s.

Complaint Case No. 37 C/2023 has been filed before the learned Additional Chief Judicial Magistrate, Second Court at Kalyani, Nadia. Since the said application has been filed against a sitting M.L.A., the learned Additional Chief Judicial Magistrate, Kalyani, Nadia is directed to transfer the said case to the Court of the learned Judicial Magistrate at Bidhannagar, North 24 Parganas cum Special Court of Magistrate level for trial of criminal cases in favour of M.P.s. and M.L.A.s.

The parties are at liberty to act on the server copy of the order.

In view of the above order, the impugned order dated 24th January, 2023 is set aside. For want of jurisdiction a Court cannot dismiss a complaint out right. It is the duty of the Court to return the petition of complaint to the complainant to enable him to file the said complaint in Court having proper jurisdiction.

The impugned order is palpably bad in law.

In view of such circumstances, the impugned order dated 24th January, 2023 is set aside.

The instant revision is, thus, disposed of.

(Bibek Chaudhuri, J.)