

Form J(1)

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

Present :

The Hon'ble Justice Bibek Chaudhuri

C.R.R. 1780 of 2023

Raj Singh Chopra & Ors.

Vs.

The State of West Bengal & Anr.

**For the petitioners : Mr. Ayan Bhattacharjee, Adv.
Mr. Rajib Mallick, Adv.
Mr. Santanu Talukdar, Adv.
Ms. Sonia Mukherjee, Adv.
Mr. Deedp Bairagi, Adv.**

Heard on : 17.05.2023.

Judgment on : 17.05.2023.

Bibek Chaudhuri, J.

Though the petitioner has prayed for quashing of the criminal proceeding, in reality he has challenged the order dated 25th April, 2023.

Suffice it to say that the learned Magistrate had no power at the stage of Section 202 of the Code of Criminal Procedure to direct the accused to appear before his Court without issuing process under Section 204 of the Code of Criminal Procedure.

The order is palpably illegal and I do not need any assistance to declare the order dated 25th April, 2023 illegal, perverse and without jurisdiction. Accordingly, the order dated 25th April, 2023 passed by the learned Metropolitan Magistrate, 11th Court, Calcutta is set aside.

The instant revision is, thus, disposed of.

(Bibek Chaudhuri, J.)

***Mithun De/
A.R. (Ct).
SI No.39.
D/L.***