

19.07.2023
Item No.25
Ct.No.34
dc.

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION**

C.R.R. 2342 of 2023

In the matter of : **Joy Prakash Biswas** ... Petitioner.

Mr. Dipanjan Chatterjee,
Ms. Sananda Bhattacharyya ... For the Petitioner.

Ms. Faria Hossain,
Ms. Baisali Basu ... For the State.

Learned advocate appearing for the petitioner is directed to serve a copy of this revisional application upon Ms. Baisali Basu, learned advocate, who ordinarily appears for the State. Her appointment may be regularised by the concerned authorities.

Learned advocate appearing for the petitioner has drawn the attention of the Court to the statutory restrictions which are applicable in case of registration of FIR under Section 195A of the Indian Penal Code.

I have considered the submissions of Mr. Chatterjee, learned advocate appearing for the petitioner. In fact, charge-sheet has also been submitted. Having regard to the letter of complaint which was addressed to the Inspector-in-Charge, Gangnapur Police Station, I am of the view that apart from Section 195A of the Indian Penal Code, other relevant sections of the Indian Penal Code are applicable.

The learned Magistrate while taking cognizance of the offences should have spelt out the same in the order relating to which offences the cognizance are being taken since this is a subsequent case registered after Gangnapur Police Station

Case No. 43 of 2022 dated 12.02.2022. The provisions of Section were incorporated under the witness protection scheme. There are statutory obligations definitely, but the complaint as a whole must spell out all the offences under the Indian Penal Code for registration of FIR and continuation of the proceedings after charge-sheet has been filed.

Accordingly, the order dated 01.09.2022 wherein the learned Magistrate took cognizance of the offence is set aside.

The learned Magistrate will freshly apply his mind to the materials which are available in the case diary and see the relevant sections which are applicable in the present case, if any, not being restricted to Section 195A of the Indian Penal Code.

With the aforesaid observations, the revisional application being CRR 2342 of 2023 is disposed of.

Pending connected application, if any, is consequently disposed of.

All concerned parties shall act on the server copy of this order duly downloaded from the official *website* of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Tirthankar Ghosh, J.)