

20.06.2024
rc/ct.no.34
Item No.08

CRR No. 1326 of 2024
with
CRAN No. 1 of 2024

In the matter of : Mr. Sachinrdra Nath Rakshit & Ors.
.....Petitioners

Mr. Pallab Mohan Chakraborty ...for the Petitioners

Mr. Sourath Nandy ...for the State

Affidavit of service filed in Court is taken on record.

None appears for the private opposite parties despite service.

The petitioners have assailed the order passed by the learned Chief Judicial Magistrate, Paschim Medinipur on March 06, 2023 in C.R.Case No. 41 of 2023 and subsequent orders passed therein on the ground that the complaint was accepted and process issued against the petitioners without compliance of Section 202 of the Code of Criminal Procedure. Also, the address of the petitioner nos. 1 to 6 has been deliberately stated as Paschim Medinipur in the complaint though the petitioner nos. 1 to 6 are residents of the district of Jhargram.

It appears from the cause title of the application that the petitioner nos. 1 to 6 are residents of Jhargram and the petitioner nos. 7 and 8 are residents of Paschim Medinipur. In the complaint lodged by the opposite parties, the address of all the petitioners/accused persons has been stated as Lalitasole, Post Office – Manikpara, Police Station – Jhargram, District – Paschim

Medinipur. It is needless to say that Jhargram and Paschim Medinipur are two separate and distinct districts. The learned Chief Judicial Magistrate, Paschim Medinipur has registered the complaint case and issued process against the petitioners without complying with Section 202 of the Code though most of the petitioners are residents of Jhargram. The address of the petitioners as recorded in the complaint differs from that of the cause title of the application. Despite the fact that Jhargram and Paschim Medinipur are two separate districts, the private opposite parties have deliberately stated the same as “P.S.- Jhargram, District – Paschim Medinipur”. Unfortunately, the learned Magistrate has also overlooked the said fact.

In view of the above, this Court is inclined to hold that cognizance taken by the learned Magistrate is not enjoined in law and the same is required to be set aside. As a consequence, the subsequent orders passed by the learned Magistrate in C.R. Case No. 41 of 2023 should also be set aside.

The revisional application being CRR No. 1326 of 2024 is allowed.

The order impugned dated March 06, 2023 passed by the learned Chief Judicial Magistrate, Paschim Medinipur in C.R. Case No. 41 of 2023 and subsequent orders passed in the said complaint case are set aside/quashed.

The learned Magistrate is directed to reconsider the complaint filed by the private opposite parties in accordance with law.

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

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

(Suvra Ghosh,J)