

24.09.2024
rc/ct.no.34
Item No.34

CRR No. 3637 of 2024

In the matter of : Sri Tapash Chatterjee

.....Petitioner

Mr. Shambhu Nath Dey
Mr. Shyamal Kumar Halder ...for the Petitioner

Since the petitioner seeks expeditious consideration of his application under Section 156(3) of the Code of Criminal Procedure by the learned Chief Judicial Magistrate, Alipore, the matter may be disposed of without service of notice upon the opposite parties.

Learned counsel for the petitioner submits that the petitioner filed an application under Section 156(3) of the Code before the learned Chief Judicial Magistrate, Alipore and by an order passed on April 10, 2024, the learned Magistrate directed the Officer-in-Charge, Karaya Police Station to consider whether the complaint discloses cognizable offence and submit a report upon enquiry on May 06, 2024. Such report was submitted on May 06, 2024 against which the petitioner filed a written objection. Upon hearing of the petitioner at length and perusing the material available on record including the report as well as the written objection, the learned Magistrate, by an order passed on June 06, 2024, directed the Enquiry Officer, Shri Sidhartha Rana of Karaya Police Station to appear before the Court personally on July 08, 2024 to explain the report. Despite such direction, the

Enquiry Officer has not appeared before the learned Magistrate and the next date for such appearance has been fixed on October 24, 2024.

In view of the above, this Court is inclined to hold that since the Enquiry Officer has not cared to comply with the order of the learned Magistrate till date, the learned Magistrate shall take necessary steps to ensure appearance of the Enquiry Officer before him on the next date fixed by him and pass a reasoned order upon consideration of the application under Section 156(3) of the Code within two months from the next date of hearing fixed before him.

With the above directions and observations the instant revisional application being CRR No. 3637 of 2024 is disposed of.

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)