

03.4.2024
Ct.No. 3
Item No.1
nb

IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri

CRR 59 of 2024

Bikram Roy Dakua
Vs.
The State of West Bengal & Anr.

Mr. Shubhankar Dutt,
.....for the petitioner

The instant criminal revisional application has been preferred under Section 482 of the Code of Criminal procedure praying for setting aside the order dated 12.9.2023 passed by the Sub-Divisional Magistrate, Sadar, At Jalpauguri in connection with Ptn/R No. 533/2023 dated 12.9.2023 under Section 94 of the Code of Criminal procedure.

Learned advocate for the petitioner submits that impugned order under Section 94 of the Cr. P.C. was passed by the learned Sub-Divisional Magistrate against the present petitioner when the present petitioner was in custody in connection with another case. He submits that Jail authority was not informed. The order itself is illegal in the eye of law. So, he prayed for necessary order to admit the instant criminal revision.

Heard the learned advocate and perused the impugned order dated 12.9.2023; it appears that on the prayer of the

petitioner, namely, Nirmal Ch. Roy, Learned SDM has issued a search warrant under Section 94 of the Code of Criminal Procedure against the present petitioner. It appears that the impugned order directing the I.C. Dhupguri P.S. to search and seize the articles appears to be an interlocutory order. A criminal revision is not maintainable against an interlocutory order.

However, the petitioner is at liberty to move the learned SDM concerned within 4 weeks from this day till then no coercive action shall be taken against the present petitioner by the concerned authority.

Accordingly, the instant criminal revision is disposed of under the above observations.

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

(Subhendu Samanta, J.)