

IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
CRIMINAL REVISIONAL JURISDICTION

CRR 428 of 2024

Manoj Kumar Gupta
Vs.

The State of West Bengal & Ors.

Mr. Nilay Chakraborty
Mr. Sanjiv Das

... For the State

1. It appears that in paragraphs 1, 3 and 5 of the order dated 27th November, 2024, there are certain typographical errors.

2. Let the aforesaid paragraphs be substituted with the following.

“1. Challenging the order dated 21st September, 2024 whereby the petitioner’s application under Section 173(4) read with Section 175(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023 (in short BNSS), came to be rejected by recording that the case has trapping of a civil dispute, the instant revisional application has been filed.

3. According to the petitioner, the aforesaid constitutes enough ingredients for the learned Magistrate empowered under Section 210 of the BNSS to order an investigation in the instant case, though the same has not been done. Having regard thereto, he seeks interference.

5. Having heard the learned advocates appearing for the respective parties and upon going through the materials on

record, I am of the view that the learned Magistrate empowered under Section 210 of the BNSS was required to consider while dealing with an application under Section 173(4) read with Section 175(3) of the BNSS whether a cognizable case is disclosed. Once, the above condition is satisfied he is to forward the same to police for investigation or to investigate himself. In this case the involvement of Bidesh Roy and Binoy Roy, in forceful removal of the rice and sale thereof belonging to the complainant has surfaced from the complaint. Their involvement is also noted in the police report.”

3. Let the same be incorporated in the order dated 27th November, 2024 and be made part of the order dated 27th November, 2024. The other portions of the order remain unaltered.

(Raja Basu Chowdhury, J.)