

11.09.2025
Item No.34
Court No. 26
CHC
Bench ID: 265691

C.R.R. 1825 of 2025

In Re:- An application under Section 528 of Bharatiya
Nagarik Suraksha Sanhita, 2023 corresponding to Section
482 of the Code of Criminal Procedure, 1973.

And

In the matter of : Smt. Manju Patodia
..... petitioner

Mr. Pawan Kumar Gupta, Advocate
Ms. Sofia Nesar, Advocate
Mr. Santanu Sett, Advocate
...for the petitioner

Mr. Suman Dey, Advocate
Ms. Ayana Dey, Advocate
...for the State

1. Revisional application is directed against order dated March 3, 2025 passed Criminal Revision No.10 of 2025.
2. Learned advocate appearing for the petitioner submits that, valuable title deeds in relation to immovable property of the petitioner were snatched by the opposite party. There are CCTV footage to establish such incident. Police conducted perfunctory enquiry and submitted a report which was accepted by the jurisdictional Court. Acceptance of such report appears from the order dated January 13, 2025 passed in Misc.Crl. 256 of 2024.
3. Learned advocate appearing for the State submits that, revisional application directed against the order passed in revision is not maintainable. He also refers to the report submitted by the police before the jurisdictional Court.

4. Second revision before the Court after dismissal of the first one by the Court of Sessions may be barred under Section 397(3) of the Criminal Procedure Code. However, High Court can exercise inherent powers under Section 482 if it is satisfied that, there is a gross miscarriage of justice.
5. In the facts and circumstances of the present case, there is a proceeding under Section 156(3) of the Criminal Procedure Code initiated at the behest of the petitioner. Petitioner complains that valuable documents were snatched from her possession by the accused persons. Police refused to accept the police complaint therefore, petitioner was constrained to move the jurisdictional Court under Section 156(3) of the Criminal Procedure Code. Jurisdictional Court directed enquiry to be conducted by the police and a report was called for. Police submitted a report. In the report police accepts that, there is CCTV footage and proceeded to explain the incident on behalf of the accused in a particular way.
6. Presence of the accused at the place of incident and at the time spoken of by the petitioner in the complaint to the jurisdictional Court stands established from the report of the police itself. Title deeds were with the petitioner at the time of snatching. Case for registering a First Information Report stands made out.
7. In such circumstances, the jurisdictional Court acted with material irregularity in failing to direct registration of the complaint as a First Information Report and investigation thereon. The jurisdictional Court acted with material

irregularity in accepting the version of the police overlooking the allegations made by the petitioner. Revisional Court in my view acted with material irregularity in accepting the order dated January 13, 2025 passed in Misc.Crl. 256 of 2024.

8. In such circumstances, I am of the view that, there is a gross miscarriage of justice so far as the application under Section 156(3) of the Criminal Procedure Code is concerned warranting invocation of Section 482 thereof.
9. Consequently, the impugned order dated January 13, 2025 passed in Misc.Crl. 256 of 2024 and the impugned order dated March 3, 2025 passed in Criminal Revision 10 of 2025 are set aside.
10. Proceeding under Section 156(3) of the Criminal Procedure Code initiated by the petitioner is restored to its file and number.
11. Police will register such complaint as First Information Report and conduct investigation in accordance with law.
12. C.R.R. 1825 of 2025 is disposed of accordingly.

(Debangsu Basak, J.)