

15.12.2025
Ct. No.42

D/L 43
Mujahid

CRR 2597 of 2025

Jayanti Misra Bhattacharya
Vs.
The State of West Bengal & Ors.

Mr. Abhilash Chatterjee
Mr. Akash Adak

...for the petitioner

1. Present petition has been filed challenging the order dated 22nd May of 2025 in Criminal Revision No.61 of 2024 whereby the learned Additional Sessions Judge 4th Court at Howrah has dismissed the revision filed against an order dated 25th June, 2024 in Complaint Case No.245 of 2023.

2. Briefly the facts are that the petitioner filed a private complaint against certain public servants. Learned Judicial Magistrate, taking into account the facts of the case direction to Deputy Commissioner of Police (South Division) Howrah City Police to conduct an enquiry regarding the allegations made by the complaint and to submit a report before this court under Section 202 Cr.P.C.

3. The petitioner aggrieved of this filed invoked the jurisdiction of the learned Sessions Court, learned Additional Sessions Judge vide order passed a reasoned order as under:-

“11. A careful examination of the materials available on record reveals that the revisionist/complainant lodged the instant complaint case on 10-05-2023, which is notably after a considerable delay of nearly two months from the date of the alleged incident, said to have occurred on 11-03-2023. It is apposite to note that the complaint was

directed against the I/C of Sankrail P.S., namely, S.I. Uttam Mondal, along with other personnel of the said police station. The said complaint, a copy of which was produced by the Ld. Advocate for the revisionist/complainant at the time of hearing of the present appeal, undoubtedly contains multiple serious allegations levelled by the revisionist/complainant against the aforementioned police officials.

12. In light of the nature of the allegations and the fact that they have been made against law enforcement officers holding responsible positions, it was entirely appropriate and judicious on the part of the Ld. Magistrate to have refrained from issuing process at the initial stage. Instead, the Ld. Trial Court rightly exercised caution and propriety by directing that a report be called for from the competent superior authority of the Howrah City Police in respect of the alleged incident. This course of action ensured an impartial preliminary verification of the allegations prior to proceeding further in the matter, thereby upholding the principles of fairness and due process of law.

13. Thus, the impugned order handed down by the Ld. Magistrate stands impervious to any justifiable interference. In my considered evaluation, the instant revision lacks merit, as the order in question bears no trace of illegality or perverseness. The Ld. Magistrate, in exercising due diligence, acted with utmost propriety, arriving at a decision that was both just and fitting. Accordingly, both the aforesaid points are decided.”

4. The petitioner aggrieved of the order of the learned Sessions Judge has again invoked the revisional jurisdiction of this court. It is a settled proposition that revisional jurisdiction has to be exercised with circumspection and can be used only when there is an illegality or perversity in the order of the learned trial court. The revisional court cannot substitute its own view with a view taken by the learned court below. In the second revision the jurisdiction becomes again too narrow. This court finds that the learned Additional Sessions Judge has examined the issue rightly.

5. This court is also of the view that the learned Magistrate has passed a reasoned order by calling a report from the Deputy Commissioner of Police (South Division) Howrah City Police.
6. However, this court do not find any illegality or infirmity in the order of the learned Sessions Court.
7. Hence, CRR 2597 of 2025 is dismissed.
8. All parties shall act on the basis of the server copy of this order duly downloaded from the official website of this Court.

(Dinesh Kumar Sharma, J.)