

26.09.2025

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IN THE HIGH COURT AT CALCUTTA
APPELALTE SIDE

C.R.R. 3177 of 2025

Rajendra Prasad Shaw and Ors.

-Versus-

State of West Bengal

Mr. Moyukh Mukherjee
Mr. Kaustav Lal Mukherjee
Mr. Samrat Mondal
...for the petitioner.

Mr. Debasish Roy
Mr. Saryati Datta
Mr. Asif Dewan ...for the opposite party.

This application under Section 438/442 read with section 582 of the Bharatiya Nagarik Suraksha Sanhita 2023 is filed seeking setting aside of Order dated 14-07-2025 passed by Learned Chief Judicial Magistrate Alipore South 24 Parganas in connection with – CGR No. 2188 of 2025.

The petitioner who is the defecto Complainant in CGR-No. 2188 of 2025 before the Learned Chief Judicial Magistrate South 24 Parganas is aggrieved in transferring Lake Police Station Case No. 122 of 2025 dated 13-07-2025 registered under 61(2)/318(4)/316(2) of the Bharatiya

Nyaya Sanhita 2023 pending before Lake Police Station to Maidan Police Station for investigation.

It is the contention of the petitioner that the application under Section 175(3) of the Bharatiya Bagarik Suraksha Sanhita was taken up for hearing on 18-06-2025 wherein the Learned Court was pleased to pass an order directing that a preliminary enquiry is required to ascertain whether any cognizable offence is revealed or not and accordingly kept the next date on 02-07-2025 for report from the officer in charge of Lake Police Station. On 2-07-2025 Lake Police Station submitted a report which reflects that Maidan Police station is having jurisdiction in the instant case arriving to the fact that Wari Athletic Club is situated in Maidan. Learned Court directed Lake Police Station on 02-07-2025 to register a FIR against the accused person and fix the next date on 07-08-2025 for report. Thereafter FIR was registered against the accused person by Lake Police Station as FIR No. 122 of 2025 dated 13-07-2025. It is further submitted that by order dated 14-07-2025 the Learned Chief Judicial Magistrate vide order dated 14-07-2025 have directed the investigating officer of Lake Police Station to hand over the case diary to the Maidan

Police Station on prayer of the investigating officer. It is also submitted that order dated 14-07-2025 passed by the Learned Chief Judicial Magistrate Alipore directing the Investigating Officer of Lake Police Station to Maidan Police Station is wholly arbitrary and without application of judicial mind.

Learned Advocate for the opposite party State of West Bengal submits that the impugned order passed by the Learned Magistrate is arbitrary and cannot be sustained in the eye of Law. Learned Advocate further submits that at the very outset of directing investigation by the Learned Magistrate, stand was taken by the Police Authority that investigation be conducted by Maidan Police Station which was turned down by the Learned Magistrate and the investigation was taken up by the Lake Police Station on 13-07-2025 and the Police Authority could not show the ground for transfer within one day of starting investigation. Learned Advocate for the opposite party State of West Bengal submits that cause of action arose within Maidan Police Station thus Maidan Police station has jurisdiction to investigate the alleged offence. Learned Advocate further submits that the case diary will reflect that cause of action

arose within Maidan Police Station. Learned Advocate also submits that there is no error in the order passed by Learned Magistrate.

Upon perusal of the order dated 14-07-2025 passed by Learned Magistrate it appear that the Learned Magistrate upon perusing the case diary observed as follows:-

‘It reveals that the prayer of the I.O. is ratified by the facts revealed in the C.D. and thus it is justified and needs to be hoisted. Hence in order to secure probe the prayer of the IO for transferring the case record from Lake police station to Maidan Police station is allowed.’ Upon perused of the case diary submitted by Learned Advocate for the State it appears that two of the witnesses deposed that alleged fraud took place at Bank of Maharashtra at 31A Shantiniketan S.P. Mukherjee Road Kolkata-700029. As S.P. Mukherjee Road falls within jurisdiction of Maidan Police Station, there is no error in the order passed by Learned Magistrate. Thus this application should be dismissed.

Hence this application is dismissed. It is however made clear that this Court has not gone into the merits of

the case and the investigation shall proceed in accordance with Law.

Let the case diary be returned.

(Biswaroop Chowdhury, J.)