

06.08.2025
rc/ct.no.06
Item No.31

C.O.No. 2784 of 2025
Smt. Mitali Dutta & Anr.
Versus
Sri Bholanath Nandi & Ors.

Mr. Arunangshu Chakraborty
Mr. Arijit Bera
Ms. Zeba Rashid Shaika Amrin ...for the petitioner

This application under Article 227 of the Constitution of India is at the instance of the defendant and is directed against an order dated July 02, 2025 passed by the learned District and Sessions Judge, Bankura in Misc. Appeal No. 14 of 2025. By the order impugned the miscellaneous appeal was admitted directing the petitioner to take steps.

Mr. Arunangshu Chakraborty, learned advocate appearing for the petitioner submits that challenging an order dated March 24, 2025 passed by the learned Civil Judge, Junior Division, 1st Court, Bankura in Miscellaneous Case No. 16 of 2025 the Miscellaneous Appeal No. 14 of 2025 has been filed. Mr. Chakraborty placed reliance of an order of the Hon'ble Supreme Court of India passed on September 15, 2022 in Criminal Appeal No. 335 of 2020 in support of his contention that it is not necessary to conduct a preliminary enquiry as contemplated under Section 340 of the Code of Criminal Procedure and also to afford an opportunity of being heard

to the otherside. Mr. Chakraborty, however, in his usual fairness submits that such decision was not placed before the learned Judge of the Appellate Court.

In view of the above, C.O.No. 2784 of 2025 stands disposed of by giving an opportunity to the petitioner to place the decision and urge all points in support of his contention that no opportunity of hearing is contemplated under the provisions of Section 340 of the Code of Criminal Procedure present Section 379 of the Bharatiya Nagarik Suraksha Sanhita, 2023 before the Appellate Court in Misc. Appeal.

There shall be, however, no order as to costs.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Hiranmay Bhattacharyya,J)