

**IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction**

CRR 3079 of 2022

**Bimal Mallick & Anr.
Vs.
The State West Bengal**

Mr. Md. Sabir Ahmed, Adv.,
Mr. Avik Ghosh, Adv.,
Mr. Dhiman Banerjee, Adv.,
Mr. Tasnim Ahmed, Adv.

... For the Petitioners.

Mr. Debasish Roy, learned Public Prosecutor,
Mr. Ranabir Roy Choudhury, Adv.,
Mr. Arijit Ganguly, Adv.,
Mr. Sandip Chakraborty, Adv.,
Mr. Rahul Ganguly, Adv.

... For the State.

1. It is submitted on behalf of the petitioners that this revisional application was filed against the order passed by the learned Chief Judge, City Sessions Court, Calcutta, whereby it was observed that learned Chief Metropolitan Magistrate though had no jurisdiction to take cognizance, the same cannot be agitated before the said court. The order was passed in the year 2022. Subsequently, in the case of **State of West Bengal Vs. Jayeeta Das** reported in **2024 SCC Online SC 550**, that issue was set at rest and it was held at paragraph 36 of the said judgment that ;

Chief Judge came City Sessions Court had the jurisdiction to pass the order and in view of the definition of the 'Court' provided under Section 2(1)(d) of UAPA, the jurisdictional Magistrate would also be clothed with the jurisdiction to deal with the remand of the accused albeit for a period of 90 days only because of express order of the Sessions Court or the Special Court, as the case may be, authorizing

remand beyond such period would be required by virtue of Section 43D(2) of UAPA. Hence, in view of the same, this proceeding before this Court has become non-est. In this case initially the charges levelled were section 120B/121/121A/122/123 of the Indian Penal Code and under section 25(IB) of the Arms Act .Subsequently the Chief Metropolitan Magistrate, Calcutta added section 16(1)(a)/1(b)/18B/20/23/38/39/40 of the Unlawful Activities (prevention) Act 1967, and extended the custody of the accused persons including petitioners to 27.12.10. A prayer was made for extension of time for investigation under the added section which was allowed on 25.2.2011 but turn down the bail prayer. An application was filed on behalf of the petitioners on 20.5.2022 stating the entire factum as well as illegality caused as the learned court has no jurisdiction authority and power under law and hence taking cognizance of the matter is perse illegal.

2. Therefore in the light of the above observation, this revisional application is disposed of with a direction to the learned court concerned to deal with the matter in accordance with law.

3. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

4. Criminal Section is directed to supply certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

[Chaitali Chatterjee (Das), J.]