

172.
17.02.2025
Bd.
Ct. 237

CRR 4017 of 2022

**Aktarujjaman
Vs.
The State of West Bengal & Ors.**

**Mr. Prosenjit Mukherjee
Mr. Saptarshi Chakraborty
Ms. Tiyasa Ghosh ... for the petitioner.**

Mr. Munjel Alam ... for opposite party no.2

This application has been preferred being aggrieved by the order dated 16.08.2022 passed by learned Judicial Magistrate, 1st Court, Rampurhat, Birbhum. By the order impugned learned trial court dismissed the complaint case being C.R. Case No. 843 of 2019 under section 203 of the Code of Criminal Procedure.

The background of the present case is that the petitioner herein lodged a complaint before the trial court contending that on 19.11.2019 at about 8.p.m. the opposite parties had ransacked his shop room and also looted the articles that were kept inside the shop room. On the basis of said written complaint the learned Magistrate took cognizance on 26.11.2019 and thereafter he examined complainant under section 200 of the Cr.P.C. on 18.03.2021.

Upon examination of the complainant the concerned Magistrate was of the view that there is need for more information by way of enquiry for the purpose of deciding whether there is sufficient ground or not for proceeding further, and as such he asked Officer-in-Charge, Nalhati Police Station to make an enquiry under section 202(1) of Cr.P.C.

Accordingly, Officer-in-Charge, Nalhati Police Station submitted his report on 16.05.2022 which discloses that a quarrel took place between the parties but the allegation of ransacking and/or looting the shop room of the petitioner is false and fabricated. Upon receipt of such report learned Magistrate was pleased to dismiss the complaint invoking his power under section 203 of the Cr.P.C.

Learned counsel appearing on behalf of the opposite party no. 2 submits that the trial court has rightly come to the conclusion that there are no sufficient ground for proceeding and as such he was justified in dismissing the complaint invoking his power under section 203 of the Cr.P.C.

The words *“the result of the inquiry or investigation (if any) under section 202, the Magistrate is of the opinion that there is no sufficient ground for proceeding”* used in section 203 are of immense importance, which clearly implies that if from such report and over all consideration, the Magistrate is of the view that essential ingredients of the offence alleged are absent or that there are such patent absurdities in the alleged occurrence, as it happened in the present case, that it would be waste of time to proceed further, the Magistrate is empowered to dismiss the complaint.

It is well settled that while exercising the powers under section 482, the High Court does not function as a Court of appeal or revision and inherent jurisdiction under the section, though wide, has to be exercised sparingly, carefully and with caution and only when it is necessary to give effect to any order under the Code of Criminal Procedure or to prevent abuse of the

process of any court or to secure the ends of justice, which is not the case in the present context.

Having considered the submission made on behalf of both the parties and also on perusal of the report, I find nothing illegal or perverse in the order impugned.

CRR 4017 of 2022 stands dismissed.

Urgent Photostat certified copy of this order, if applied for, be given to the parties on compliance of requisite formalities.

(Dr. Ajoy Kumar Mukherjee, J.)