

21
10-01-2025
Ct. No.34
b.das

CRR No. 4677 of 2024
+
CRAN 1 of 2024

In the matter of : Antara Bose & Anr. petitioners.

Mr. Amitabha Ghosh
Ms. Nabanita Chatterjee
Ms. Arpita Dhar ...for the petitioners.

Mr. Hoheb Rauf
Mr. S. D. Dhara
Mr. S. Bandyopadhyay
Mr. S. Banerjee
Ms. A. Karmakar ...for the opposite party.

Heard learned counsels for the parties.

The petitioners seek extension of the interim order granted earlier.

In opposing the said prayer, the learned counsel for the opposite party submits that the learned Magistrate has rightly issued notice upon the petitioners under Section 223 of the BNSS and there is no irregularity in the said order.

It is clearly envisaged in Section 223 of the BNSS that “no cognizance of an offence shall be taken by the Magistrate without giving the accused an opportunity of being heard”.

It appears from the order dated 7th October, 2024 passed by the learned Judicial Magistrate, 5th Court,

Calcutta in Case No.182952 of 2024 that the learned Magistrate issued notice upon the petitioners in compliance with the said provision of law.

In view of the above, this Court is inclined to hold that since notice was issued in terms of Section 223 of BNSS, there is no illegality or irregularity in the said order which requires interference by this Court. The question of quashing of the entire proceeding on such count does not arise.

Accordingly, the revisional application being CRR 4677 of 2024 is dismissed, being devoid of merits.

However, it is made clear that this Court has not gone into the merits of the case and the learned Magistrate shall be at liberty to deal with the case independently in accordance with law.

As a consequence, the application being CRAN 1 of 2024 is disposed of.

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

(Suvra Ghosh, J.)