

March 26, 2025
Sl. No. 33
Court No.34
s.biswas

CRR 4779 of 2024

Ersad Hossain
Vs.
The State of West Bengal

Mr. Dipayan Kundu
Mr. Binay Shaw
Mr. Sujan Das

.. for the petitioner

Mr. Arijit Ganguly
Mr. S. Kundu

... for the State

Affidavit of service filed by the petitioner is taken on record.

Heard learned counsels for the parties.

The petitioner is aggrieved by the order dated 8th August, 2024 passed by the learned Judicial Magistrate, 1st Court, Barasat, North 24 Parganas in C-1450 of 2024. The petitioner filed an application before the learned Magistrate under Section 175(3) of the BNSS and by the order impugned, the learned Magistrate has treated the same as a complaint case and transferred the case to the learned Judicial Magistrate, 1st Court at Barasat for disposal.

On plain reading of the order impugned, it appears that no reason has been assigned by the learned Magistrate as to what prompted him to treat the application as a complaint case, more so, since learned counsel for the petitioner submits that the incident pertains to an organized crime under Section 111 of the BNS. The matter needs to be remanded back to the learned Magistrate for a reasoned decision on the issue.

The revisional application is allowed.

The order dated 8th August, 2024 passed by the learned Chief Judicial Magistrate, Barasat, North 24 Parganas in C-1450 of 2024 be quashed/set aside.

The learned Chief Judicial Magistrate is directed to reconsider the issue upon perusal of all relevant documents as to whether the complaint pertains to offence under Section 111 of the BNS and pass a reasoned order upon hearing the petitioner and the State, in accordance with law.

Urgent certified website copy of the order, if applied for, be given to the parties, upon compliance of all necessary formalities.

(Suvra Ghosh, J.)