

09.01.2025

Item No.8

Ct.No.2

dc.

**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
CRIMINAL REVISIONAL JURISDICTION**

C.R.R. 5 of 2025

In the matter of : **Utpal Kumar Ray** ... Petitioner.

Mr. Utpal Kumar Ray ... Petitioner (In Person).

Mr. A. S. Chakraborty, APP,
Mr. Aniruddha Biswas ... For the State.

Petitioner appears in person and submits that Pundibari Police Station Case No. 338/2020 dated 07.09.2020 was registered for investigation under Section 506 of the Indian Penal Code read with Section 3 of the SC and ST (Prevention of Atrocities) Act, 1989. The investigating agency on completion of investigation submitted charge-sheet under Section 427/447/506/34 of the Indian Penal Code thereby dropping the charges under the provisions of the SC and ST (POA) Act, 1989.

I find that the charge-sheet was submitted before the learned Chief Judicial Magistrate, Cooch Behar. Since the FIR was registered under the relevant provisions of the SC and ST (POA) Act, 1989 and charge-sheet was submitted in connection with the said case, the grievance of the petitioner regarding the applicability of the provisions of the SC and ST (POA) Act, 1989 should be heard by the learned Special Court having jurisdiction under the provisions of the SC and ST

(POA) Act, 1989. Accordingly, I direct that the records of G.R. Case No. 747 of 2020 be transmitted to the learned Special Court having authority to adjudicate the offences arising out of SC and ST (POA) Act, 1989. The concerned court will peruse the materials afresh and decide to take cognizance of the offence by exercising its discretion.

Petitioner being the *de facto* complainant who has set the law into motion being aggrieved by the outcome of the investigation will also be at liberty to take out an application under Section 173(8) of the Code of Criminal Procedure/193(9) of the BNSS before the learned Special Court. Learned Special Court would under the said circumstances exercise his discretion in accordance with law.

The learned Chief Judicial Magistrate, Cooch Behar would within a period of fifteen days from the date of communication of this order transmit the records to the learned Special Court as directed above.

With the aforesaid observations, the revisional application being CRR 5 of 2025 is disposed of.

Pending connected application, if any, is consequently disposed of.

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

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

(Tirthankar Ghosh, J.)