

11.06.2025
Serial no. 44
[G.S.D]

**CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI**

CRR 230 2025

In the matter of : Bandana Rai

... Petitioner(s)

Mr. Pratap Khati

... for the Petitioner(s)

Mr. Abhijit Sarkar

Mr. Saikat Chatterjee

... for the State- respondent(s)

The petitioner is directed to serve a copy of this revisional application upon Mr. Abhijit Sarkar, learned advocate, who ordinarily appears on behalf of the State. Mr. Sarkar is entitled to have a junior of his choice. The appointment of both Mr. Sarkar and the junior of his choice, if any, be regularized by the concerned authority.

Learned advocate for the petitioner has drawn the attention of the FIR being Darjeeling Sadar P.S. Case No. 25 of 2025 dated 02.03.2025 wherein the learned advocate submits that as the permission addressed to the concerned authorities, was not granted, the petitioner had to sit in protest. Learned advocate also submits that the police

authorities mala fide instituted the FIR out of grudge and the same is not maintainable in the eye of law.

I have considered the FIR being registered on the basis of the information furnished by one Sub-Inspector of Police attached to Sadar Police Station, Darjeeling and I find that the reasons so assigned were in respect of examination which were supposed to be held and for disruption of public order and peace as also formation of unlawful assembly along with other reasons.

Having considered that the investigation of the case is in progress, I am of the view that the issues so canvassed by the petitioner, which relate to disputed question of facts, cannot be adjudicated at the stage of investigation.

However, the petitioner would be at liberty to approach this court after the report under Section 193 of the BNSS is submitted by the investigating authorities.

With the aforesaid observations, CRR 230 of 2025 is disposed of.

Pending application(s), if any, is also disposed of.

Parties to act on a server copy of this order duly collected from the official website of the Hon'ble High Court, Calcutta.

(Tirthankar Ghosh, J.)

