

Item No.31
01.09.2025
Court. No. 1
GB

*CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI*

MAT 72 of 2025
With
CAN 1 of 2025

Utpal Kumar Ray
VS
The State of West Bengal

Mr. Utpal Kumar Ray

... Petitioner (in-person).

*Mr. Subir Kumar Saha,
Mr. Pradip Sarkar*

... for the State.

1. The petitioner is aggrieved by an order passed by the learned Single Judge, by which the writ petition was dismissed on the ground that the petitioner could not prove any instance when the police authorities had refused to record information or when excess court fees were being charged from the petitioner, who had been appearing in-person in a pending matter.
2. The issue raised in the appeal is whether different authorities, namely, the notary public, the Courts (Judicial Officers) could compel the petitioner to pay Rs.50/-, for the advocates' fund.
3. Such fact was not urged before the writ court. The writ court has specifically observed in paragraph no.2 of the order impugned that:-

“Having considered the provisions under Section 173(4) of BNSS, 2023, Court has made a query to the petitioner whether

the petitioner is aggrieved by a refusal on the part of the Officer-in-Charge of a Police Station to record the information or not. It is submitted that petitioner intended to bring it to the notice of the concerned police authority that excess court fees was charged for which a criminal proceeding is required to be initiated. However, how excess court fees has been charged and to what extent are not described in the writ petition neither who has charged excess court fees is also not disclosed. In absence of necessary details issue cannot be delved into.”

4. In the writ petition, averments had been made that the Judicial Magistrate of the 1st Class rejected an affidavit on the ground that the said affidavit had not been prepared in a non-judicial stamp paper and had not been identified by an advocate.
5. In our view, the learned Judicial Magistrate had the right to reject an application, if it was not in proper form. We are still unable to understand the agony of the petitioner. In the absence of any details as to how, when and what kind of affidavit, the petitioner sought to affirm, but was refused as he was not willing to pay Rs.50/- per affidavit, we are not in a position to grant any relief.
6. Under such circumstances, in the absence of any material particulars and in the absence of proper pleadings, the appeal is disposed of without any interference with the order of the learned Single Judge.
7. If the petitioner has any grievance against any advocate, who had been allegedly pressuring the

petitioner to pay Rs.50/- per affidavit, for the advocates' fund, without any basis, the petitioner is at liberty to approach the Bar Council of West Bengal, in accordance with law.

(Shampa Sarkar, J.)

(Prasenjit Biswas, J.)