

24.06.2026

Court No.34

Sl. No. 32

sg

**CRR 1051 of 2026
in
I.A. No. CRAN 1 of 2026**

In the matter of: **Subham Roy Chowdhury**

...Petitioner.

Mr. Ajoy Roy Chowdhury
Ms. Shradhya Ghosh

...for the petitioner.

Mr. Sabysachi Mukherjee
Ms. Debjani Chakraborty
Mr. S. Saha
Mr. R. Halder
Mr. M. Khanna

...for the opposite party.

1. Matter was fixed today for hearing.

In course of hearing it appears from the record and the application filed before this Court containing the cause title that the application is filed under Section 340 (2) of the Cr.P.C. 1973 and for execution of the judgement and order passed by this Court in CRR 2303 of 2019 dated 12.4.21 directing the Judicial Magistrate to pass an order on the application of the petition under Section 340 of Cr.P.C. upon due enquiry and trial. Furthermore for execution of the judgement and order passed by this Court on 12th April, 2021 directing in relation to offence affecting administration of justice, it is the Court which since the offence under Section 193 is triable by the Court of the Judicial Magistrate, the trial Court shall

send complaint learned Magistrate having jurisdiction to enquire and tried the case.

2. The petitioner prayed take cognizance under Section 340 (1) application by this Court on the application under Section 401 regarding offences of perjury committed by the respondent which is kept in abeyance by the learned Trial Court since 2026 and prayed for conducting preliminary under Section 340 read with Section 195(b)(i) of the Cr.P.C,197 corresponding Section 379 of the BNSS) into the deliberate and intentional acts of the perjury committed by the addition 151 of 26 and further prayed for recording specific finding that respondent in petition M515 of 2016. is not eligible in claiming maintenance under Section 125 of CR.P.C and accordingly to set aside or stay the said erroneous maintenance order dated 5.9.2019.

3. In sub-paragraph (e) a prayer made directing the Misc Case no M515 of 2016 pending in the Court of learned 2nd, Judicial Magistrate, Barrackpore to transfer to any other competent court of equal jurisdiction in the District of South 24 paraganas. The Learned Advocate made his submission before this Court only regarding transfer of the matter where the application filed and the prayer do not support such contention.

This Court is of the view from the entire petition that this application is not maintainable in its present form and therefore cannot be entertained. In the order dated 15.6.2026 passed by this Court it was stated that it is filed under Section 407 of the Cr.P.C on the basis of submission advanced by the learned advocate

however on close scrutiny of the record it appears absolutely contradictory which cannot be entertained by this Court.

4. Therefore, instant revisional application being CRR 1051 of 2026 is not maintainable in its present form . Liberty is granted to the petitioner to file a fresh application of transfer as argued before this /court in appropriate form.

5. In view of the above revisional application stands dismissed being not maintainable along with all applications.

6. Parties are to act on the server copy of this order duly downloaded from the official website Calcutta High Court.

[Chaitali Chatterjee (Das), J.]