12.11.2026
Sl. No.127
Ct. No.237
S.A.

CRR 3906 of 2026

Devang D Master
- vs-
State of West Bengal & Anr.

Mr. Supriyo Das

...for the petitioner

The petitioner challenges the proceedings in connection with Complaint Case No. CS/96526/2026, under Sections 61(2), 316(2), 313 and 321 of the Bharatiya Nyaya Sanhita, 2023, pending before the learned Judicial Magistrate, 19th Court, Calcutta.

Learned advocate appearing on behalf of the petitioner submits that the petitioner resides outside the territorial jurisdiction of the learned Magistrate. Accordingly, a preliminary enquiry was conducted before issuance of process. It is further submitted that the learned Magistrate initially took cognizance of the matter on May 14, 2026. Subsequently, the learned Magistrate again took cognizance on June 18, 2026, which is impermissible in the eye of law.

I do not find any substance in the aforesaid submission.

A perusal of the order sheets annexed to the revisional application makes it evident that, on April 9, 2026, the learned Magistrate issued a pre-cognizance notice in terms of Section 223 of the Bharatiya Nagarik Suraksha Sanhita, 2023, and fixed May 14, 2026, for appearance. On May 14, 2026, none appeared on behalf of

the petitioner. The learned Magistrate, by an ex parte order, took cognizance of the matter and fixed June 8, 2026, for solemn affirmation.

On June 8, 2026, the learned Magistrate, in fact, postponed the issuance of process and conducted a preliminary enquiry himself. Upon completion of the preliminary enquiry, the learned Magistrate issued process and fixed June 4, 2026, for the appearance of the accused persons. It may be mentioned that, in the said order, the learned Magistrate also made a reference to taking cognizance of the matter.

I do not find any procedural infirmity in the steps taken by the learned Magistrate. The learned Magistrate duly issued a pre-cognizance notice to the petitioner, who failed to appear.

Thereafter, having regard to the fact that the petitioner resides outside the territorial jurisdiction of the learned Magistrate, the latter postponed the issuance of process and conducted a preliminary enquiry in terms of Section 225 of the Bharatiya Nagarik Suraksha Sanhita, 2023. Upon completion of the preliminary enquiry and being satisfied that sufficient grounds existed for proceeding further, the learned Magistrate issued process under Section 227 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

No exception can, therefore, be taken to the steps taken by the learned Magistrate.

Accordingly, **CRR 3906 of 2026** is dismissed.

Urgent photostat certified copy of this order, if applied for, be supplied to the learned advocates for the parties on usual undertakings.

(Kausik Chanda, J.)