

15
13.04.2026
Court No. 6
A.D.

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

**CRR/316/2025
IA NO: CRAN/1/2025**

**NIRUPAMA KARJEE
VS
THE STATE OF WEST BENGAL AND ORS.**

Mr. Narendra Nath Das, Adv.
Mr. Debojyoti Roy, Adv.
Mr. Jagesh Chandra Roy, Adv.

.....for the Petitioner.

Mr. Nilay Chakraborty, Ld. APP
Mr. Aniruddha Biswas, Adv.

.....for the State.

Mr. Chinmoy Roy, Adv.

.....for the Opposite Party no. 6.

This is an application, praying for setting aside of the Order dated 9th June, 2025 passed by the Learned Additional District Judge (1st Court), Special Court at Jalpaiguri in connection with Special Case No. 20 of 2023.

The incident arose over possession of 'Paita' at the emersion ghat at Rajbari dighi on 24/10/2024 on the occasion of emersion of Goddess Durga. The Petitioner, is the de-facto complainant on the basis of whose complaint Kotwali Police Station, Case No.

790 of 2023 dated 27/10/2023 under Section 341/323/506/34 IPC read with Section 3(s)(u) of SC and ST (POA) Act, 1989, has been initiated.

In terms of Order No. 24 dated 09/06/2025 which is the impugned order herein, the Trial Court refused to allow the application of the de-facto complainant/the present Petitioner herein, praying for reinvestigation. In terms of the same Order, the Trial Court confirmed the bail application in spite of opposition made by the de-facto complainant/the present Petitioner.

Two issues emerged at the time of hearing. The Learned Counsel for the State objected to the maintainability of the Petition on the ground that under Section 14A of the SC and ST (POA) Act, 1989, the order impugned is appealable which argument was refuted by the Learned Counsel for the Petitioner on the ground that the order is an interlocutory order. The Learned Counsel for the State relied upon **Amar Nath & Ors. Vs. State of Haryana & Anr. [(1977) 4 SCC 137]**. The Learned Counsel for the Petitioner relied upon **V.C. Shukla Vs. State Through C.B.I (AIR 1980 SC 962)**.

Section 14A of the Act contains a non-obstanted clause that notwithstanding anything contained in the Code of Criminal Procedure, 1973, an appeal shall lie from any judgment, sentence or order, not being an interlocutory order, of the Special Court to the High Court both are facts and law. The impugned order contains two parts, by one part reinvestigation was refused and by the other part objection to confirmation of bail application was refuted and bail had been confirmed. Both in **Amar Nath's** case and **V.C. Shukla's** case laid down guideline to decide on an interlocutory order. It was observed that an interlocutory order merely denotes an order of purely, interim or temporary nature which does not decide on or touch upon the important rights or liabilities of the parties. Any order which substantially affects the right of the accused person or decides certain rights of the parties cannot be said to be an interlocutory order. This observation was made in respect of Section 397 of CrPC though the principle can be followed in the context of Section 14A of the Act. Four Judges Bench in **V.C. Shukla's** case observed that the term interlocutory is to be understood and taken to mean the converse

of the term “final order”. The essential attribute of an interlocutory order is that it merely decides some point or matter essential to the progress of the suit or collateral to the issue sought but is not a final decision or judgment on the matter under issue. An intermediate order is one which is made between the commencement of an action and the entry of the judgment.

In the case in hand, the impugned order did not affect any important rights of the parties. Investigation or reinvestigation order is a discretionary order out of which no right occurs. Such is of course interlocutory in nature. Similarly, order refusing cancellation of bail is also an interlocutory order coming within an ambit of Section 14A of the Act. In neither case any accrued right has been disturbed or derogated. Therefore, it is a case of revision, not an appeal, in view of express provision of Section 14A of the Act.

On perusal of the impugned order, it appears that the order of the Trial Court refusing reinvestigation is a reasoned order, keeping open the scope of adducing evidence on the part of the de-facto complainant. Similarly, while passing the

order regarding refusal of bail, this Court rightly observed that there is no adverse finding.

In view of discussions made above, this Court concludes that the impugned order demands no interference.

The instant application stands dismissed on merit.

(Sugato Majumdar, J.)