

18.05.2026
SL No.41
Court No.5
S.Gayen

**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
CRIMINAL REVISIONAL JURISDICTION**

CRR 290 of 2023

In the matter of: **Ajoy Roy**

...Petitioner

Mr. Arnab Saha
Mr. Md. Shoaib Akhtar

...for the Petitioner

Mr. Nilay Chakraborty, Ld. APP (in-charge)

...for the State

1. The petitioner has filed the present revisional application challenging the NPR NO. 615 of 2023 dated 18.08.2023 wherein the petitioner has been directed to appear before the Executive Magistrate on 01.11.2023.
2. Learned counsel for the petitioner submits that the Executive Magistrate has issued the said notice but the said notice does not reflect any details of the proceeding in which the notice has been issued to the petitioner to appear before the Executive Magistrate at Dinhata.
3. This Court by an order dated 13.10.2023 directed to call for the report with regard to NPR No. 615 of 2023 dated 18.08.2023. The Executive Magistrate has submitted the record of NPR 615 of 2023 in connected with NGR Case No. 340 of 2023 under Section 110 of the CrPC. From the record, this Court finds that the Inspector-in-Charge, Dinhata Police Station has submitted a report for prosecution under Section 110 of the CrPC against the petitioner. On receipt of the said report, the Executive Magistrate has registered the above case and issued the notice.

4. The order dated 28.08.2023 by which the Executive Magistrate has issued the notice to the petitioner has not recorded any facts about the report submitted by the Inspector-in-Charge, Dinhata Police Station.
5. Considering the above, the order dated 28.08.2023 by the notice has been issued to the petitioner to appear before the Executive Magistrate on 01.11.2023 is set aside and quashed. Accordingly, the notice dated 10.10.2023 is also set aside and quashed.
6. However, this order will not prevent the Executive Magistrate, Dinhata for taking appropriate steps against the petitioner in terms of the report received by the Executive Magistrate from the Inspector-in-Charge, Dinhata Police Station in accordance with law.
7. Accordingly, **CRR 290 of 2023** is **disposed of**.
8. The proceedings of NPR No. 615 of 2023 in connection with NGR Case No. 340 of 2023 under Section 110 of the CrPC forwarded by the Executive Magistrate, Dinhata be sent back immediately to the Sub-Divisional Office, Dinhata for taking appropriate steps.
9. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.
10. Urgent Photostat certified copy, if applied for, be given to the parties upon compliance with all formalities.

(Krishna Rao, J.)