

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

Present:

The Hon'ble Justice Shampa Dutt (Paul)

CRR 610 of 2025

Smt. Kamli Munda (Nagesia) @ Kamali Munda

Vs

The State of West Bengal & Ors.

For the Petitioner : Mr. Sandip Mandal,
Mr. Amit Saha.

For the State : Mr. Avrojoyoti Das, Ld. APP,
Mr. Rajyashree Ghosh.

Judgment reserved on : 15.06.2026

Judgment delivered on : 16.06.2026

Shampa Dutt (Paul), J.:

1. The present revisional application has been preferred challenging an order dated 03.12.2025 in connection with Misc. Petition Case No. 91 of 2025 in which the Learned Additional Chief Judicial Magistrate, Siliguri has passed an order rejecting the prayer of the petitioner Smt. Kamli Munda (Nagesia) made under Section 173(4) read with Section 175(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023, on devoid of merits.
2. Vide the impugned order the learned Additional Chief Judicial Magistrate, Siliguri passed an order as follows:-

“Misc. petition Case No. 91/2025
 CIS Registration No. 85/2025
 WB01092
 GNR: WBDJOE-00 5796-2025

03.12.2025

Petitioner files hazira through advocate.

Received report from O/C Naxalbari PS. Let it be kept in record.

The contention of the petitioner is that the father of petitioner was in possession of the land in dispute and she is one of the legal heirs and as per family settlement, she is in possession of the same by cultivating the land and she has applied for patta in her name in respect of the property but the opposite parties entered into the said land on 16.08.2023 and tried to cultivate the same and threatened her with assault and on 29.12.2022 they disclosed that they have acquired the said land by way of mortgage created by the father of the petitioner during his lifetime for a sum of Rs.3/- lakh. It is alleged that on 03.01.2023 the petitioner was abused by the opposite parties in filthy language

regarding her caste and was threatened with dire consequence. It is claimed that she lodged complaint to the O/C Naxalbari PS which was diarised as GDE no. 230/2023 dtd. 06.01.2023. It is further alleged that on being persuaded by the BL & LRO, Naxalbari, she made an application for patta and the same is under official process and on 18.09.2025 she was served with notice u/s 35(3) of BNSS in c/w Naxalbari PS case no. 3/2023 dtd. 05.08.2023 lodged on strength of complaint by the opposite parties. It is alleged that the opposite parties have falsely implicated her in the said case and the petitioner has claimed that on 27.10.2025 she sent complaint to the Superintendent of Police, Darjeeling with respect to her complaint dtd. 06.01.2023 but no action has been taken.

On perusal of the report it appears that on 05.01.2023 on strength of written complaint lodged by Sri Biplab Haldar, the then BL & LRO, Naxalbari, Naxalbari PS case no. 3/2023 dtd. 05.01.2023 u/s 447 of IPC r/w sec. 3 of PDPP Act has been started against the petitioner, OP no.1, 2 and some other persons over the land in question and on enquiry it was disclosed that the said land in question is Govt. land and the petitioner or the opposite parties are not owner of the same. Charge sheet has been submitted in the said case against the opposite parties and the complainant and the petitioner has no right in the said land as claimed by her. It is categorically mentioned that the land in question is Govt. property.

On perusal of the documents received it appears that the Govt. of West Bengal is the riyat of the land in question and the name of the father of the petitioner is recorded therein as illegal occupier. Considering the materials, I find that the petitioner has got no locus standi to claim the land. Moreover, the dispute is of civil nature and the assistance of State machinery is not required. Accordingly, I do not find it a fit case to give direction to the concerned police station to cause investigation into the allegation in terms of section 175 (3) of B.N.S.S and accordingly, the instant petition stands rejected.

Thus, this case is disposed of.

D & C by me,

Sd/-
ACJM, Siliguri”

3. Learned Magistrate relied upon the **report of the local P.S.** while passing the impugned order. In the report dated 03.12.2025 the police on conducting an enquiry placed report as follows:-

*“..... I have personally enquired into the matter referred to in Misc. Petition Case No. 91 of 2025. During verification of the records available at the Police Station, the following facts have been ascertained that one specific case was found registered vide Naxalbari PS Police Station Case No. 03/23 dated 05/01/2023 under Section 447 IPC read with Section 03 of the PDPP Act. In the said case, **Shri Biplab Halder, then BL & LRO, Naxalbari, had lodged an FIR against Smt. Kami (Kamli) Munda, D/o Lt. Khudal Kishan, of Sebdellajote, P.O. Hatighisa, P.S. Naxalbari, Dist. Darjeeling; Pania Singha, S/o Tiken Singha, of Burajharujote, Schooldangi, P.O. Hatighisa, P.S. Naxalbari, Dist. Darjeeling; Nepali Singha, W/o Pania Singha, of Burajharujote, Schooldangi, P.O. Hatighisa, P.S. Naxalbari, Dist. Darjeeling; Ajit Kishan, S/o Lt. Khudol Kishan, of Sebdellajote, P.O. Hatighisa, P.S. Naxalbari, Dist. Darjeeling. The FIR pertained to the disputed land situated at Sebdellajote, which the complainant, Smt. Kamli Munda, has been claiming to be the legal heir of. However, enquiry revealed that certain persons were illegally selling and purchasing portions of the said land. As per the official report of the BL & LRO, Naxalbari, the said land is recorded as Government land, and not private land belonging to the complainant or the other accused persons. The above-noted case has been duly investigated and finalised, and a chargesheet has been submitted vide Naxalbari P.S. Charge sheet No. 217/25 dated 12/10/2025 under Sections 447/34 IPC read with Section 03 of the PDPP Act, against all the named***

accused persons including the complainant Smt Kamli Munda. In view of the findings on record, the claim of Smt. Kamli Munda as the legal heir of the said land stands unsupported and nullified, as per the report of the BL & LRO, Naxalbari. **The land being Government property, the dispute regarding ownership has already been addressed during the Investigation of the above-mentioned case.** Accordingly, no further ground for Investigation remains, as the status of the land has been conclusively established as Government land. This report is submitted for your kind information and perusal.

**Sd/-
ASI**

Naxalbari PS, Dist Darjeeling.”

4. On considering the said materials, it appears that the petitioner/complainant in the present case is an accused in a case which was filed by the BL & LRO Naxalbari being Naxalbari P.S. case no. 03/23 dated **05.01.2023** and the same has ended in a charge sheet against the present petitioner herein along with other accused persons.
5. The petitioner herein has preferred the application under Section 175 (3) of the BNSS on **10.11.2025**, claiming right in the Government land, wherein on enquiry government authorities have filed a case against her and she is now a charge sheeted accused.
6. Considering the said facts, this Court finds no irregularity in the impugned order challenged in the present case.
7. **CRR 610 of 2025 is thus dismissed.**
8. All connected applications, if any, stands disposed of.

9. Interim order, if any, stands vacated.
10. Copy of this judgment be sent to the learned Trial Court for necessary compliance.
11. Urgent certified website copy of this judgment, if applied for, be supplied expeditiously after complying with all, necessary legal formalities.

(Shampa Dutt (Paul), J.)