

In the Court of Additional Chief Judicial Magistrate, Rampurhat,
Birbhum.

Present: - Sri Prajjwal Ghosh, A.C.J.M, Rampurhat, Birbhum.

C.R - 852/2024

CNR-WBBB060026272024

Registration No. 595/2024

Order No. 01 dt. 03.09.2024

One **Tuhina Bibi** files a complaint against the persons mentioned under the head 'Accused', in writing, alleging to have committed offences punishable under Bharatiya Nyaya Sanhita, 2023 (hereinafter referred as B.N.S.) along with vokalatnama and other documents.

Court fee is paid.

The mandate of section 223 of Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred as B.N.S.S.) lays down that no cognizance of an offence can be taken by a Court of Magistrate without giving opportunity of hearing to the prospective accused.

Now, under section 212 (1) of B.N.S.S., the Chief Judicial Magistrate may after taking cognizance, make over the case for inquiry or trial to any competent Magistrate, subordinate to him. Sub section 2 of section 212 further states that Chief Judicial Magistrate may empower any Magistrate of the 1st Class to take cognizance of an offence and also can empower him to make over the case to other competent Magistrates.

Section 13(2) of B.N.S.S. states that any Chief Judicial Magistrate may from time to time make rules or gives special orders consistent with Sanhita as to the distribution of business among the Judicial Magistrates subordinate to him.

Section 10 (2) of B.N.S.S. provides that the High Court may appoint any Judicial Magistrates of the 1st Class to be an Additional Chief Judicial Magistrate and such Magistrate shall have all or any of the powers of a Chief Judicial Magistrate under the Sanhita or under any other law for the time being in force, as the Hon'ble High Court may direct.

This Court during the 1st half of the day remains badly occupied with hearing of put up petitions, pending M.P. Cases arisen out of the petitions filed u/s 156 (3) of Cr.P.C. and 175(3) of B.N.S.S., new filing of cases under section 144 of B.N.S.S., 138 of Negotiable Instrument Act, cases under Protection of Women from Domestic Violence Act, fresh production and periodical production of accused under Bengal Excise Act and hearing bail applications and applications regarding return of seized articles etc. apart from the records which are fixed in regular trial file. That apart, this Court also being the Railway Magistrate, Rampurhat, has to deal with matters relating to Railway Act and conduct Camp-Court time to time.

Thus, keeping in mind the time constraint due to engagement of this Court in various matters as discussed above during the first half, as has also been experienced so far, while hearing the accused and their Ld. Advocate together with the documents which are submitted during those hearings u/s 223 of B.N.S.S., and to ensure that functioning of this Court, in this changed circumstances and in the existing over burdened condition as discussed above, does not become

cumbersome and in view of the provisions of section 223, section 212 and section 10(2), section 13 (2) of B.N.S.S., Ld. Judicial Magistrate, 1st Court, Rampurhat is hereby empowered to take cognizance of the offence/offences as he deems fit after following the procedure so laid down in section 223 B.N.S.S.

Accordingly, let the case record be registered as Complaint Case and be transferred to the Court of Ld. Judicial Magistrate, 1st Court, Rampurhat, Birbhum.

Ld. Transferee Court to proceed with in accordance with the procedure prescribed in section 223 of B.N.S.S. and to send an intimation to this end upon taking cognizance or otherwise as the case may be.

To **17.09.2024** for appearance of the complainant before the Ld. Judicial Magistrate 1st Court, Rampurhat, Birbhum.

D/C

Additional Chief Judicial Magistrate
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