

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

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

M.P. Case No.279/2024
Registration No. 282/2024
CNR No. WBBB060030502024

Sovan Roy-Vs -Sudhanshu Kumar Das

Order No. 1,Dated 23.10.2024

Petitioner Sovan Roy files a petition U/S 175(3) of Bharatiya Nagarik Suraksha Sanhita praying for sending the same to the O.C Tarapith P.S to inquire into the matter and to start a specific case against the accused persons namely, Sudhanshu Kumar Das on the ground stated therein.

Heard the petitioner.

Perused the petition along with documents which disclose that petitioner indeed informed her grievances to O.C Tarapith P.S and the Office of S.P. Birbhum, before filing this petition.

Hon'ble Apex Court in Lalita Kumari Vs Govt of U.P. & Ors. on 12th November, 2013 has observed that prior to registering of a specific P.S. case preliminary inquiry is required to be done/conducted if the commission of cognizable offence is doubtful. In Priyanka Srivastava & Anr. Vs. State of U.P. & Ors. on 19th March, 2015, the Hon'ble Apex Court banking on Lalita Kumari (Supra) has further observed that power u/s 156 (3) of Cr.P.C. warrants application of judicial mind. It has also been observed that the Magistrate should verify the truth and veracity of the allegation in appropriate cases. Here in this case on examining the complainant, on perusal of the complaint and the documents and on application of judicial mind, as this Court is of the opinion that veracity of the truth and the allegation so made requires verification, a preliminary inquiry is required of for ascertaining as to whether any cognizable offence is revealed or not as also for ascertaining the veracity of the truth and the allegations so made in the complaint.

As there provision of inquiry u/s 175 (3) of B.N.S.S., considering the nature of allegation, O.C Tarapith P.S is directed to do the preliminary inquiry to ascertain whether any cognizable offence is disclosed or not as also to ascertain the veracity of the truth and the allegations so made in the complaint.

To 13.12.2024 for report from O.C Tarapith P.S regarding the preliminary inquiry so ordered to be done.

Let a copy of this Order along with the original petition of the complainant u/s 175 (3) of B.N.S.S. be sent to O.C Tarapith P.S

Complainant to file requisites forthwith without fail.

Complainant to remain present on the same date.

D/c

A.C.J.M, Rampurhat
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JO CODE WB01163