

**CR 133 of 2025**  
**CNR WBCB07-001247-2025**

**Order no. 5 dated 11.02.2026**

Today is fixed for pre cognizance hearing and W/O if any in the mean time

Complainant is present by filing hazira.

Suspect no. 2 and 3 are present by filing hazira.

Now the record is taken up for pre cognizance hearing.

Ld. Advocate for the suspects verbally submitted that complaint is false and facts of the complaint does not reflect any offence. Ld. Advocate further submitted that there is no materials to take cognizance of any offence in this case.

On the other hand Ld. Advocate for the complainant submits that the fact of the complaint is clearly reflecting the offences are committed by the present suspects and trial is required to prove the facts. Ld. Advocate for the complainant prayed for taking cognizance of the offence.

Perused the materials on record.

This Court finds that the submission made by the parties are in respect of the factual aspects and nothing was submitted regarding point of law. The question of ownership of the land can not be looked into at this stage. In the decision of Hon'ble Calcutta High Court in the case of ***Kaberi Dey and others vs Sourav Bhattacharya*** in CRR 119 of 2025, Hon'ble Court was pleased to opine that the scope of pre-cognizance inquiry is much more confined and narrower than post cognizance inquiry as the same is offence-centric inquiry and not the offender-centric inquiry. Here in this case, the suspects have not brought anything before this Court which can show either no offence is construing from the alleged facts narrated in the complaint or any legal impediment to take cognizance by this Court.

Accordingly, on the basis of the facts narrated in the complaint, this Court is inclined to take cognizance of the offence. As such cognizance is taken.

To **13-03-2026** for SA.

Complainant to produce witnesses.

Typed by me

Sd/-

Judicial Magistrate, Dinhata

Sd/-

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JO Code WB01376