

In the Court of Judicial Magistrate (2nd Court)
Diamond Harbour, South 24 Parganas
Present: Sri UTTAM DAS, WBJS (WB1219)

C 221/2020

Order dated 24/02/2022

Record is placed before me at the instances of ld advocate for the complainant.

Ld advocate of the complainant filed two verified petitions supported by affidavit. By filling these two petitions, Ld ad prays for by modifying the order dated 30.03.2021 issue process u/s 420/120B/506/34 of IPC in addition of section 417 of IPC.

Ld advocate further contended that Ld ACJM D/Harbour was pleased to take cognizance of all section, then there is no scope to delete the sections while issuance of process upon the accused persons.

On perusal of the case record it reveals that Ld ACJM was pleased to made over the case u/s 192(2) of Cr.P.C to this Court for disposal and before transferring the case Ld ACJM did not examine the complainant. Therefore, in view of section 200 Cr.P.C, this Court examine the complainant and thereafter on the basis of initial depositions and materials of record, this Court issued process u/s 204 of Cr.P.C for commission of offence u/s 417 of Cr.P.C.

Considering the above, at this stage, there is no scope to issue further process upon the accused persons as prayed for. Moreover, if the complainant aggrieved by the Order passed by this Court on 30.03.2021, she can move before proper forum. There is no provision to recall or modify the own order passed this Court.

Considering the all aspect, I don't find any merit on the petitions filed by the complainant. Therefor, both the petitions dated 24.02.2022 are rejected without cost.

Todate (23.03.2022).

Dict. & Corrected

Sd./- Sri. U.Das

JM 2nd Court DH.

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