

**CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI**

07.07.2026
Ct No.5
Item No.53
S.K.

CRR 237 of 2026

**Amit Mandal
Vs
State of West Bengal**

Mr. Anirban Banerjee
...for the petitioner

1. The petitioner has filed the instant revision being aggrieved with the order of the C.J.M., Jalpaiguri dated 18.6.2026 in Misc. Petition No. 170 of 2026.
2. By dint of the same, the C.J.M., Jalpaiguri has directed for lodging of complaint case on the basis of the complaint filed by the present petitioner before the same under Section 175(3) BNSS.
3. The reason for such an order of C.J.M., Jalpaiguri, is the report submitted before it by the police disclosing that no cognizable offence has been found to have been committed.
4. Mr. Banerjee, learned advocate appears for the petitioner. He, however, has submitted that on 23.5.2026, the petitioner has suffered grievous injury which sharp cut weapon as well as bamboo stick at the vital part of his body and has suffered grievous injury. That since the police refused to lodge any FIR, the petitioner ultimately lodged a complaint before the Chief Judicial Magistrate, Jalpaiguri on 6.6.2026 being Misc. Petition No. 170 of 2026.

5. Accordingly, the CJM, Jalpaiguri called for a police report which is annexed with this revision. In the impugned order the Magistrate has recorded that on perusal of the police report the fact of causing hurt by the accused to the informant/petitioner has been confirmed. However, nothing has been brought on record to suggest any cognizable offence being committed.
6. Hence, the Magistrate has directed for registering a complaint case on the basis of the complaint lodged by the present petitioner.
7. On perusal of the materials before me, it is found that in the complaint made by the petitioner before the trial court under Section 175(3) of the BNSS as well as in the police report, assault upon the present petitioner, with help of a knife and bamboo stick causing sharp cut and grievous injury to the victim i.e the present petitioner, as well as his rescue by the local interveners, treatment etc. have come on record.
8. It is further noted that the complainant/petitioner has alleged about the existence of CCTV footage in support of his contention and allegations, regarding which the police report has remained silent.
9. The Chief Judicial Magistrate, Jalpaiguri in his order dated 18.6.2026 however not considered these facts.
10. Instead his finding is about no cognizable offence being committed in spite of fact that he has found causing hurt by the accused to the informant to be a fact confirmed by police.

11. Therefore, the court is convinced about non-application or mechanical application of mind by the C.J.M., Jalpaiguri while passing the order dated 18.6.2026 as impugned in the instant case.
12. On the contrary, the court is of considered opinion that materials on record are sufficient for finding commission of cognizable offence in the case and directing the police to register a FIR on the basis of the complaint lodged by the petitioner.
13. Accordingly, in this case, it is not found imperative to call for any record or service of copy of the revisional application.
14. Instead let the present revisional application be disposed of by setting aside the order of the learned C.J.M., Jalpaiguri dated 18.6.2026 and directing for registering an FIR in terms of complaint lodged by the present petitioner on 6.6.2026 being Misc. Petition No. 170 of 2026, before the I.C., Kotwali Police Station, Jalpaiguri.
15. The revisional application is disposed of.

(Rai Chattopadhyay, J.)