

**CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
CRIMINAL REVISIONAL JURISDICTION**

26.09.2024
Court No.3
Item No.18
Ali

CRR 343 of 2024

In Re: An application under Section 397/401 read with Section 482
of the code of Criminal Procedure;

And

In the matter of: **Sohel Rahman @ Rahaman**
.....**Petitioner.**

Mr. Arnab Saha, Adv.

... for the petitioner.

The instant criminal revision has been preferred against a notice dated 27.08.2024 issued in furtherance of a Process no. 1289 of 2024 dated 27.08.2024 by the learned sub Divisional Executive Magistrate at Alipurduar under Section 126 of Bharatiya Nagarik Suraksha Sanhita, 2023 (corresponding to 107 of the Code of Criminal Procedure, 1973) in Misc Case No. 1294 of 2024.

Having heard the learned counsel for the petitioner and also perusing of the impugned notice dated 27th of August, 2024, it appears to me that the proceeding and the notice under Section 126 of Bharatiya Nagarik Suraksha Sanhita, 2023 does not follow the provisions laid down under Section 130 of Bharatiya Nagarik Suraksha Sanhita 2023.

Considering the above aspects, I find justification and prima facie merit to entertain the instant criminal revision. Thus, the instant CRR be admitted.

Petitioner is directed to serve the CRR to the opposite parties through Registered Post and file an affidavit-of-service to this Court.

Considering the facts and circumstances of this case there shall be an interim stay of impugned notice dated 27th August, 2024, and subsequent proceeding thereof till a period of eight weeks from date.

Let the matter go out of list.

Parties are at liberty to mention.

(Subhendu Samanta, J.)