

06.01.2025

Item No.13

Ct.No.2

dc.

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

C.R.R. 401 of 2024

In the matter of : **Md. Kazi Mostofa Kamal Rabbani**
... Petitioner.

Mr. Nilay Chakraborty, APP,
Mr. Sanjiv Das ... For the State.

Mr. Debjit Kundu,
Mr. Hrishikesh Roy ... For the Opposite Party No.2.

Learned advocate who earlier sought for accommodation submits that she has not been engaged in this matter, but at the request from a member of the Bar sought for accommodation on 02.01.2025.

Learned advocates for the State and the opposite party no.2 are present.

I have considered the order dated 19.09.2023 wherein the learned Chief Judicial Magistrate, Cooch Behar was pleased to dismiss the application under Section 239 of the Code of Criminal Procedure. I have considered the specific observations of the learned Chief Judicial Magistrate, Cooch Behar in paragraphs 8 and 9 which are set out hereinbelow :

“8. Notification No. 439-JL dated 3rd August, 2012 has also been cited to show that after death of a Mohammadan Registrar, State Government may appoint any dependent in his place but nothing has been produced to show that such appointment has been made by the government. However, it is clear that with the end of tenure of the Kazi tenure of Naib Kazi also comes to an end.

9. Even if the claim is true the accused will get sufficient opportunity during the trial to bring the then District Registrar, Cooch Behar in Court to depose in his favour and also get the appointment letter admitted into evidence. At this juncture there is no scope to take this document into consideration and negate the report submitted by investigating agency. Accordingly, it is

O R D E R E D

that the prayer of the accused persons under section 239 Cr.P.C. stands rejected.”

Having considered the reasons so assigned by the learned Magistrate, I am of the opinion that no interference is called for in the present revisional application.

Accordingly, the revisional application being CRR 401 of 2024 is dismissed.

Pending connected application, if any, is consequently disposed of.

All concerned parties shall act on the server copy of this order duly downloaded from the official *website* of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Tirthankar Ghosh, J.)