

Form J(1)

**IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction
Appellate Side**

**Present :
The Hon'ble Justice Bibek Chaudhuri**

CRR 1815 of 2023

Suvendu Adhikari

Vs.

State of West Bengal

**For the petitioner : Mr. Sekhar Kumar Basu, Sr. Adv.,
Mr. Sourav Chatterjee,
Mr. Rajdeep Mazumdar,
Mr. Mayukh Mukherjee,
Mr. Soumya Nag,
Mr. Aditya Tiwari,
Ms. Namrata Chatterjee.**

Judgement on : 18.05.2023.

Bibek Chaudhuri, J.

The petitioner is a Member of Legislative Assembly and leader of opposition. The Public Prosecutor, City Sessions Court has lodged a complaint before the learned Chief Judge, City Sessions Court alleging commission of offence under Sections 499/500 of the Indian Penal Code by the petitioner by uploading certain statement in his Twitter handle regarding detention of a bus on 17th April, 2023.

Without going into the merit of the case this Court fails to understand as to how the learned Chief Judge took cognizance of the offence in view of the decision of the Hon'ble Supreme Court in

Ashwani Kumar Upadhyay's case to the effect that a criminal case shall have to be instituted and tried before the competent Court of the learned Magistrate. This Court in CRR No. 1086/2022 has issued detailed guideline regarding constitution of such Court in the State of West Bengal and by virtue of two notifications dated 6th March, 2018 and 27th January, 2021 the special Court to try the Magistrate triable and sessions triable cases are set up in the State of West Bengal. This case is exclusively triable by the learned special Magistrate or the learned Special Judge for trial of cases relating to MPs and MLAs in the State of West Bengal.

Therefore, the initial cognizance and the order of issuance of process is bad and I do not require even the assistance of the learned Public Prosecutor to quash the proceedings of Complaint Case No. 2/2023.

Accordingly Complaint Case No. 2/2023 pending before the learned Chief Judge, City Sessions Court, Calcutta is quashed. The complainant is at liberty to take back the written complaint and file the same in the appropriate Court.

With this order, the instant revision is disposed of.

The instant order be communicated to the learned Chief Judge, City Sessions Court through special messenger, cost of which is to be paid by the petitioner.

(Bibek Chaudhuri, J.)