

23
7.09.2026
S.D.
Ct. No. 37
266447

In the High Court at Calcutta
Criminal Revisional Jurisdiction
Appellate Side

CRR 3604 of 2026

Mahua Moitra
Vs.
The State of West Bengal & Ors.
....Petitioner

Mr. Debasish Roy
Mr. Arka Kumar Nag
Mr. Soham De Dhara
Mr. Akash Ghosh
.....For the Petitioner

Mr. Kallol Mondal, Ld. P.P.,
Mr. Anamitra Banerjee
.....For the State

Mr. Krishnendu Bhattacharya
Ms. Tanusree Kar
Ms. Sneha Ghosh
....For the defacto complainant

Supplementary affidavit filed in Court be taken on Record.

The criminal revision is directed against a cognizance taken in respect of a complaint case being Complaint Case No. 309 of 2026 pending before the 3rd Judicial Magistrate, Krishnagar, Nadia.

Before us various points were sought to be raised including the jurisdiction of the Division Bench to entertain the revisional application.

We are not minded to enter into the debate as sought to be raised by the respective parties. We find that in **Ashim Kumar Upadhyay vs. Union of India & Anr.** reported in 2017 SCC OnLine SC 2195 and all the

previous and subsequent pronouncements thereof, the desire of the Supreme Court was that the proceeding against a Member of Parliament or a Member of the State Legislature should be dealt with by specified Court as expeditiously as possible.

In the facts and circumstances of the present case, there is a complaint case as against the petitioner before us who is a Member of Parliament.

Complaint registered as against the Member of Parliament was sought to be taken cognizance of by the learned 3rd Judicial Magistrate, Krishnagar, Nadia in C.R. 309 of 2026. Such Court is not the designated Court for the purpose of trying an offence against a Member of Parliament and Member of State Legislature.

In such circumstances, it would be appropriate to transfer the C.R. No. 309 of 2026 pending before the Court of 3rd Judicial Magistrate, Krishnagar, Nadia to the appropriate Special Court dealing with MP/MLA cases situated at Bidhanagar, North 24-Parganas.

Learned District Judge, Nadia is requested to transmit all records of C.R. 309 of 2026 to the learned District Judge, North 24-Parganas forthwith. Learned District Judge, 24 Parganas will in turn transmit all the records of C.R. 309 of 2026 to the appropriate Court situated at Bidhanagar, North 24-Parganas immediately on receipt of the records.

On receipt of such records, learned Judicial Magistrate, Special Court is requested to proceed in accordance with law as against the petitioner

and the other accused treating the proceedings as one of a pre-cognizance stage.

In view of our direction that the Transferee Court will treat the complaint case as pre-cognizance stage, all orders and proceedings taken by the transferor Judicial Magistrate of taking cognizance and orders passed consequent thereto are set aside.

CRR 3604 of 2026 is disposed of accordingly.

(Debangsu Basak, J.)

(Aryak Dutt, J.)