

IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION

Present:

The Hon'ble Justice Jay Sengupta

C.R.R. 755 of 2022

Sujit Acharjee

Versus

State of West Bengal

For the petitioner : Mr. Mritunjay Saha

Heard on : 11.03.2022

Judgment on : 11.03.2022

Jay Sengupta, J.:

This is an application challenging an order dated 17.02.2022 passed by the Chief Judicial Magistrate, Barrackpore in GR Case No. 7358 of 2015 pending before the Additional Chief Judicial Magistrate, Barrackpore.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is an accused in chit fund matter, which is pending since 2015. The petitioner surrendered before the learned trial court on 17.12.2021 and was granted interim bail. The interim bail was thereafter confirmed on 13.01.2022. Then, the investigating officer filed a report

praying for cancellation of the ad interim bail granted to the petitioner and the learned trial court erroneously fixed the next date for hearing of such application. The learned trial court does not have any power to cancel in such matter the bail granted to the petitioner. Report filed by the investigating officer was erroneously treated as a petition.

I have heard the submissions of the learned counsel appearing on behalf of the petitioner and have perused the revision petition.

First, it is quite surprising that in a chit fund matter involving substantial sums of money, interim bail was granted on the first date of appearance and the same was confirmed soon thereafter without even a condition being put on the petitioner.

Be that as it may, it appears that the investigating agency has prayed for cancellation of the bail granted to the petitioner.

The petitioner's contention is that a report filed by the investigating agency could not have been treated as an application for cancellation of bail. The same can best be decided by the learned Magistrate before whom such prayer is pending.

The impugned order under challenge is only an interlocutory order fixing a date for hearing of a purported petition. There is a bar under Section 397 (2) of the Code on entertaining a revision against an interlocutory order.

In view of the above, I do not find any merit of this application.

Accordingly, the revisional application is dismissed.

However, there shall be no order as to costs.

Urgent photostat certified copy of this judgment may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J)

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