

07.07.2022

BP
Sl.59
Court no.42.

CRR 1841 of 2022

In re: An application under Section 397 read with Section 401 and 482 of the Code of Criminal Procedure, 1973.

In the matter of: Yousuf Molla

...petitioner

Mr. Debajyoti Deb
Mr. Tamal Ghosh
Mr. Sanjoy Kumar Das
..for the petitioner.

Mr. Anwar Hossain
Mrs. Ratna Ghosh
..for the State.

Mr. Manjit Singh
Mr. G. Singh
Mr. Biswajit Mal
..for the private opposite party.

The petitioner has approached this court challenging legality, validity and propriety of an order dated 19th May, 2022 passed by the learned Sessions Judge, South 24 Parganas in Criminal Misc. Case No.193 of 2020.

In the said petition the petitioner prayed for waiver of the condition that he should not enter into the jurisdiction of Basanti P.S., was rejected.

Feeling aggrieved the petitioner has moved this

court invoking revisional jurisdiction.

It is submitted by Mr. Deb, learned advocate for the petitioner that the petitioner is the elected Panchayat Pradhan of Fulmalancha Gram Panchayat under Basanti P.S. As he is restrained from entering into the jurisdiction of Basanti P.S. though he was granted bail in connection with Basanti P.S. Case No. 837 dated 3rd December, 2019 under Sections 302/34 of the Indian Penal Code read with Sections 25/27 of the Arms Act and Sections 4/5 of the Explosive Substances Act, he cannot enter into his village and perform his official work as Panchayat Pradhan due to the aforesaid condition.

Mr. Manjit Singh, learned counsel for the defacto complainant submits that the incident that gave rise to institution of Basanti P.S. Case No. 837 took place on 3rd December, 2019. The husband of the defacto complainant was murdered in the said incident. The police arrested the accused on 6th January, 2020 and within two months he was granted bail on 6th March, 2020 with the condition that he cannot enter into the jurisdiction of Basanti P.S. However, when the said condition was in force the petitioner did enter into the jurisdiction of Basanti P.S. and did at least five offences on the basis of which the Basanti P.S. Case No. 183 of 2020 dated 27th March, 2020, Basanti P.S. Case No. 238 of 2020 dated 1st May, 2020, Basanti P.S. Case No. 284

of 2020 dated 27th May, 2020, Basanti P.S. Case No. 317 of 2020 dated 3rd June, 2020 and Basanti P.S. Case No. 331 of 2020 dated 10th June, 2020 were registered.

In all cases allegation of commission of series of offences were made and in the last case the allegation was commission of offence under Section 302 of the Indian Penal Code along with other penal provisions.

Subsequently the condition was waived on 20th April, 2021 and after waiver of condition the petitioner was involved in committing the series of offences and for which five specific cases were registered at Basanti P.S.

The defacto complainant previously moved in revision petition being CRR 1982 of 2021 and a coordinate bench passed an order setting aside the order of waiver of condition and directing the learned Sessions Judge to consider the matter afresh and passed a reasoned order. In the said order it was observed by the coordinate bench that the petitioner is habitual offender.

Thus it is submitted by Mr. Singh that if the said condition is waived there may be recurrence of commission of offence which should not be permitted by the court.

In reply, learned advocate for the petitioner submits that in all cases the petitioner is released on bail. He is the elected Pradhan of a local gram panchayat. If he is not allowed at least for three or four

days for limited period of time he will not be able to perform his official job as Pradhan and for his absence various programmes of the State Government are either halted or deferred. The petitioner may be allowed entry to his panchayat office to perform and carry on the large scale development project in the State of West Bengal. For this purpose, the condition may be waived.

It is also pointed out by Mr. Deb that as a result of interim order the petitioner is staying outside the jurisdiction of Basanti P.S. since 13th November, 2021 till date.

It is not in dispute that during a span of one year the petitioner was arrayed as accused at least in ten cases. A coordinate bench has already observed that the petitioner is habitual offender. This court is of the view that if the petitioner is permitted to enter into the jurisdiction of Basanti P.S., there may be recurrence of further law and order problem. Therefore, I am not inclined to modify the impugned order passed by the learned Sessions Judge.

The instant criminal revision is thus dismissed.

(Bibek Chaudhuri, J.)

