

29.09.2022

Item No.23
Ct.No.34
dc.

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION**

**C.R.R. 1856 of 2021
with
CRAN 2 of 2022
with
CRAN 3 of 2022**

**Shyamal Pal
versus
The State of West Bengal & Anr.**

In Re: An Application under Section 482 read with Sections 397/401 of the Code of Criminal Procedure.

Mr. Sankar Nath Mukherjee,
Mr. Niraj Gupta ... For the Petitioner.

Ms. Jonaki Saha ... For the Opposite Party No.2.

An affidavit has been filed on behalf of the opposite party no.2 which reflects that the Demand Draft so handed over is encashed. Let the same be kept on record.

Photostat copies of Misc. Execution No. 81/2021 have been placed before this Court reflecting the orders dated 23.09.2022, 26.09.2022 and 27.09.2022 passed by learned Judicial Magistrate, 2nd Court, Chandernagore, Hooghly. The said orders reflect that the learned Judicial Magistrate was reluctant to release the petitioner on personal bond and implemented the said order on 27.09.2022 after the sum of Rs.30,000/- was deposited. The observation of the learned Magistrate dated 23.09.2022 amounts to refusal of release of the petitioner and the learned Magistrate should have released the petitioner on 23.09.2022 going by the provision

of Article 21 of the Constitution of India as also the amount which was parted with pursuant to direction of this Court.

Having regard to the fact that the present petitioner has already paid/deposited an amount of Rs.5,00,000/-, I am of the opinion that further proceedings of C.R. Case No. 18 of 2012 (T.R.No. 47 of 2012) in respect of the judgement and order dated 28.06.2016 passed by the learned Judicial Magistrate, 2nd Court, Chandernagore, Hooghly being affirmed by order dated 25.03.2021 in Criminal Appeal No. 07/2016 passed by the learned Additional Sessions Judge, Fast Track Court, Chandernagore, Hooghly requires interference.

As the amount of fine being deposited, any further proceedings are unwarranted. Thus, further proceeding of any execution case arising out of C.R. Case No. 18 of 2012 subsequently renumbered as C.R. Case No. 248 of 2015 (T.R.No. 47 of 2012) or any other appeal or revision preferred in connection with the said case apart from the present revisional application is hereby quashed.

Accordingly, the revisional application being CRR 1856 of 2021 is allowed subject to the amount which has been deposited as fine and accepted and encashed by the complainant to the extent as directed by the learned trial court. The said amount is non-refundable being an order of court of law.

All pending connected applications are consequently disposed of.

All 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.)