

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

Before:

The Hon'ble Mr. Justice Jay Sengupta

C.R.R. 1982 of 2021

CRAN 1 of 2021

Taslima Sardar

Vs.

The State of West Bengal & Anr.

For the Petitioner	:	Mr. Rajdeep Majumder, Mr. Moyukh Mukherjee.
For the OP No.2.	:	Mr. Debajyoti Deb, Mr. Tamal Ghosh, Mr. Sanjoy Kumar Das.
For the State	:	Mr. Ranabir Roy Chowdhury, Mr. Sandip Chakraborty.
Heard on	:	30.03.2022
Judgement on	:	30.03.2022

Jay Sengupta, J. :

This is an application challenging an order dated 20.04.2021 passed by the learned Sessions Judge, Alipore, South 24-Parganas, in connection with Criminal Miscellaneous Case No.193 of 2020 corresponding to Basanti Police Station Case No.837 of 2019 dated 03.12.2019 under Section 302 read with Section 34 of the Penal Code thereby waiving the condition of bail that the opposite party no.2 shall not enter the jurisdiction of Basanti Police Station.

Learned Counsel appearing on behalf of the petitioner submits as follows. The petitioner is the de facto complainant in this case and the wife of the victim deceased. Earlier, the opposite party no.2 had filed an application being CRR 12 of 2021 praying for relaxation of the condition of bail that he should not enter the jurisdiction of Basanti Police Station. The opposite party no.2 did not press the same and filed an application for relaxation before the learned Sessions Judge. On the date of hearing, the opposite party no.2 did not make any averment regarding the earlier application and moved the application. The learned Sessions Judge without even perusing the case diary directed that the condition that the accused shall not enter the jurisdiction of Basanti Police Station was waived. There are several similar cases lodged against the present opposite party no.2. One is still being investigated and in the other two, charge sheet has been submitted. The opposite party no.2 is a habitual offender. The learned Judge ought not to have waived the condition.

Learned Counsel appearing on behalf of the State relies on a case diary and the report filed earlier and submits as follows. There are number of cases lodged against the opposite party no.2. In two of these being Basanti Police Station Case Nos.445 and 447 of 2021, he was discharged. Investigation is still going on in Basanti Police Station Case No.426 of 2021 and in two other cases being Basanti Police Station Case Nos.446 and 450 both of 2020, charge sheet has been submitted against him.

Learned Counsel appearing on behalf of the opposite party no.2 submits as follows. The petitioner is the Pradhan of a Gram Panchayat at the present. Strangely, a number of cases started against the accused opposite party no.2. are of the same date i.e. 04.08.2021. The accused have been charged in several cases because of his political affiliation. There is nothing to indicate that allowing him to enter into the jurisdiction of Basanti Police Station can cause any kind of threat to the de facto complainant in this case.

I have heard the submissions of the learned Counsel appearing on behalf of the petitioner and have perused the revision petition and the case diary and the report filed on behalf of the State.

It appears that a number of other cases have been started against the present petitioner. In some, the offences are quite serious. Therefore, the petitioner is a person who can be termed as a habitual offender.

What is more important here is that the condition imposed regarding bar of not entering into the jurisdiction of Basanti Police Station was waived by the learned Sessions Judge without even perusing the case diary or asking for a report from the investigating agency. Therefore, the order of relaxation and/or waiver cannot be sustained in the eye of law.

Accordingly, I set aside the impugned order and direct the learned Sessions Judge to consider the matter afresh and pass a reasoned order as expeditiously as possible without granting any unnecessary adjournment to any of the parties, preferably within a period of two months from the next date of hearing.

With these observations, the revisional application is disposed of.

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

(Jay Sengupta, J.)