

Form J(1)

**IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction
Appellate Side**

**Present :
The Hon'ble Justice Bibek Chaudhuri**

CRR 3465 of 2022

**Ashoke Baran Das
Vs.
The State of West Bengal**

Mr. Kallol Mondal
Mr. Rajdeep Mazumder
Mr. Krishan Ray
Mr. Souvik Das
Mr. Anamitra Banerjee
Mr. Samsher Ansari
...for the petitioner

Mr. Rudradipta Nandy, Ld. APP
Mr. Avik Ghatak
...for the State

Item No.18.

Heard & Judgment on: 14.09.2022

Bibek Chaudhuri, J.

The instant revision under Section 401 read with Section 482 of the Code of Criminal Procedure is directed against an order dated 8th September, 2022 passed by learned Additional Sessions Judge, Bench-II, Bichar Bhawan, Calcutta in connection with Special Case No.06 of 2015 corresponding to CNR No.WBCS01-000628-2017 –ACB Police Station Case No.06 of 2015 dated 28th August, 2015 punishable under Sections 13(1)(d)/13(2) of the Prevention of Corruption Act and Section 120B of the Indian Penal Code.

The petitioner is an accused in respect of the above stated case. It is recorded that during investigation of the above stated case police arrested the accused and seized the passport of the petitioner. Subsequently, vide order dated 25th January, 2021 the said passport was returned to the petitioner for renewal with the direction to file the same in the Court below after renewal on furnishing bond of Rs.10,000/-. It is submitted on behalf of the petitioner that though order of returning the passport for the purpose of renewal was passed on 25th January, 2021, the petitioner actually received the said passport for renewal from the Investigating Officer sometimes in January, 2022.

In the meantime, there is another development. The daughter of the petitioner got chance for further studies in the United Kingdom. After renewal of the passport the petitioner prayed before his higher authority to grant him leave with station leave permission to visit United Kingdom in order to settle his daughter in the said foreign state. The Controlling Authority of the petitioner granted permission to the petitioner to travel United Kingdom for a limited purpose. On the basis of such permission he obtained Visa and, therefore, he could not deposit the passport immediately after renewal to the Court below. Subsequently, the petitioner filed an application on 1st September, 2022 before the Court below with a prayer to permit him to visit United Kingdom and to retain the passport for his journey with his daughter. The learned trial Judge rejected the said petition vide order dated 8th September, 2022

It is recorded in the said order:-

"The accused was directed by this Court, while returning the Passport for renewal, to deposit the same after its renewal on furnishing the bond of Rs.10,000/-. It appears that the Passport was renewed and issued in favour of the accused by the Passport Authority on 11/04/2022. Since then till date, the accused did not deposit the Passport in this Court. He absolutely did not obey the order of this Court. He has completed the entire

process to obtain VISA in the meantime without giving a single intimation to this Court. Therefore, it is felt that this accused does not have any good intention and there is high chance of his absconding, if he is permitted to go abroad.”

I have heard Mr. Mondal and Mr. Nandy, learned advocates appearing for the parties. In course of his submission Mr. Nandy, learned P.P.-in-charge has not expressed his apprehension on behalf of the State that the petitioner would abscond if he is allowed to visit United Kingdom. The Controlling Authority of the petitioner in its administrative authority granted permission to the petitioner to visit United Kingdom. He has obtained Visa for such purpose.

The petitioner has also filed a supplementary affidavit stating, inter alia, that he has purchased ticket to visit United Kingdom on 16th September, 2022 and return on 29th September, 2022.

Mr. Nandy submits that in all there are three criminal cases pending against the petitioner. In respect of Case No.06 of 2015 the next date for consideration of charge is fixed on 26th September, 2022. In respect of other two cases viz., Case No.05 of 2016 and Case No. 03 of 2016 dates are fixed for consideration of charge on 27th September, 2022 and 14th November, 2022.

The Holding Officer on behalf of P.S., A.C.B. is present and submits a report wherein he raises objection against the prayer made by the petitioner.

The report be kept with the record.

I have considered the submissions made by the learned advocates for the parties. The petitioner has been discharging his duties as Superintendent of Engineer under the Public Health Department under the Government of West Bengal. The Controlling Authority of the petitioner on due consideration of his prayer granted permission to visit abroad. It is submitted by Mr. Mondal, learned advocate for the petitioner that the petitioner undertakes to appear before the trial Court on 30th September, 2022.

In view of such circumstances, the impugned order dated 8th September, 2022 is set aside.

The petitioner is permitted to visit abroad on the strength of his passport and Visa and also permitted to stay away from home town from 16th September, 2022 till the morning of 30th September, 2022 on condition that the petitioner shall submit photostat copies of Air tickets and passport and also submit his address in the United Kingdom where he will stay during his absence to the Investigating Officer so that he may be tracked with further condition to appear before the Court below on 30th September, 2022.

The learned trial Judge is directed to fix a date for consideration of charge in the instant case after 30th September, 2022.

The Investigating Officer is directed to collect the passport of the petitioner from the Regional Officer, Kolkata and to hand over the same by 4 P.M. on 15th September, 2022.

The instant revision is, thus, disposed of.

The parties are at liberty to act on the server copy of the order.

(Bibek Chaudhuri, J.)