

13.10.2022
Item No.13.
G.S.Das/
Mithun
Ct.35

CRR 3529 of 2022

In Re: An application under Section 482 of the Code of Criminal Procedure, 1973 in connection with G.R. No.2434/2010 arising out of Ghola P.S. Case No.251/10 dated 20.07.2010 under Sections 420/120B/406/323/324/325/506/504/427/379/384/34 of the Indian Penal Code.

In the matter of : **Tinku Biswas.**

Mr. Debasis Kar. Adv.
Mr. Subhojit Chowdhury, Adv.
Mr. Arka Tilak Bhadra, Adv.

...for the petitioner.

Mr. Rudradipta Nandy, Adv.

...for the State.

Record reflects that the present case was instituted in the year 2010 and is still continuing. *Prima facie*, it reflects from the records that the offences are Magistrate triable offence. Petitioner's limited prayer is that he may be allowed to go abroad and for that purpose official form under the Passport Act requires permission of the learned Magistrate.

The order which has been referred to in the present revisional application do not reflect that such a form was placed and considered by the learned Magistrate. The only reason which was assigned by the learned Magistrate is regarding the

commencement of trial. The trial if any, is continuing for last 12 years.

Accordingly, the learned Magistrate is directed to consider, if any fresh application is filed before the said Court and by way of imposing limited conditions allow the petitioner to travel abroad.

The petitioner would provide the itinerary ticket, schedule date for leaving the State/Country and the schedule date of return. The learned Magistrate would be at liberty to also impose any other conditions so as to ensure the return of the petitioner. No condition however should be imposed which would deter the petitioner from going abroad. Mr. Nandy, learned Advocate appearing on behalf of the State submits that the formal application is not appearing in the revisional application.

Having regard to the nature of the prayer, I am of the view that with the aforesaid directions, the revisional application being CRR 3529 of 2022 can be disposed of.

Learned Additional Chief Judicial Magistrate, Barrackpore will act on the server copy of this order duly obtained from the official website of the Hon'ble High Court, Calcutta.

All parties shall act on the server copy of this order duly obtained from the official website of the Hon'ble High Court, Calcutta.

(Tirthankar Ghosh, J.)