

D/L 11
April 6,
2022
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C.R.R. No.3149 of 2019

In Re: An application under Section 482 of the Code of Criminal
Procedure, 1973;

Sri Swapan Kumar Mondal
Versus
State of West Bengal & Ors.

Mr. Anindya Chakraborty.
...for the petitioner.
Mr. Debasis Kar,
Mr. Husen Mustafi.
...for the opposite party nos.2 to 9.

Mr. Saswata Gopal Mukherjee, Ld. P.P.,
Mr. Arijit Ganguly,
Ms. Debjani Sahu.
...for the State.

The subject matter of the revisional application relates to the order dated 25.09.2019 passed by the learned District and Sessions Judge, Barasat, 24 Parganas (North) in Criminal Revision No.171 of 2019. By the said order, the learned District and Sessions Judge, 24 Parganas (North) was pleased to refuse an interim order in respect of the order dated 19.08.2019 passed by the learned ACJM, Bidhannagar in connection with G.R. Case No.708 of 2015 (Cyber Police Station Case No.29/15).

The grievance of the petitioner therefore relates back to the order dated 19.08.2019 passed by the learned ACJM, Bidhannagar wherein after the learned additional public prosecutor appearing for the State raised no objection, permission was granted by the learned ACJM, Bidhannagar in the said order to reopen the bank accounts of the accused/opposite party no.3 so far as it

relates to SBI-Kanchrapara Branch, HDFC-Kanchrapara Branch, Axis Bank-Kanchrapara Branch and Salt Lake Branch.

The report of the Investigating Officer which was called before this Court reflects that the Investigating Officer had every objection in respect of reopening of the said bank accounts as according to the Investigating Officer, the accused/opposite party no.3, Bishal Kumar Shaw used two PAN cards.

In view of the aforesaid, I am of the opinion that the learned additional public prosecutor advanced his submission before the learned ACJM, Bidhannagar without seeking instructions of his clients and, as such, “no objection” has no foundation on behalf of the submissions of the State.

The order dated 19.08.2019 passed by the learned ACJM, Bidhannagar so far as it relates to the reopening of the bank accounts referred to in the said order is hereby set aside.

This will not debar the accused/opposite party no.3 to file a fresh application. Learned ACJM, Bidhannagar will issue usual notice, insist upon the report of the Investigating Officer and analyse the same, thereafter arrive at his conclusion.

With the aforesaid observations, CRR 3149 of 2019 is allowed.

Pending application, if any, is consequently disposed of.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Tirthankar Ghosh, J.)

