

Form J(1)

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

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

CRR 835 of 2023

**Sirajul Islam Gharami
Vs.
The State of West Bengal**

Mr. Abhra Mukherjee
Mr. Sauradeep Dutta
Mr. Arpayan Mukherjee
Mr. S. K. Mondal
..for the petitioner

Mr. Ranabir Roy Chowdhury
Mr. Mainak Gupta
..for the State

Item No. 36

Heard & Judgment on: 21.03.2023

Bibek Chaudhuri, J.

On perusal of the contents and averments made in the instant revision, this Court is of the view that the instant revision can be disposed of here and now with the assistance of the learned P.P.-in-charge.

Mr. Ranabir Roy Chowdhury, learned P.P.-in-charge is requested to assist this Court in the instant revision.

The petitioner has challenged the orders dated 21st December, 2022 and 31st January, 2023 passed by the learned Executive Magistrate, Canning Sub-division.

It is found from the initial order dated 21st December, 2022 that the proceeding under Section 110 of the Code of Criminal Procedure was initiated against the petitioner and he was directed to show cause as to why a bond of good behaviour should not be executed by him. The petitioner duly appeared on 31st January, 2023 before the learned Executive Magistrate and submitted a petition showing cause through his learned advocate. The said application was not heard and kept with the record. Thereafter, the opposite party was directed to submit bond of Rs.10,000/- for good behaviour and peace keeping for a term of one year to be submitted by an Government Officer/school teacher on 14th March, 2023. It is the grievance of the petitioner that the learned Executive Magistrate cannot pass any order without disposal of his petition showing cause as to why the bond shall not be executed by him.

The instant revision is disposed of directing the learned Executive Sub-Divisional Magistrate, Canning to disposed of the application showing cause filed by the present petitioner before him

on 31st January, 2023 after giving opportunity to the petitioner of being heard. Thereafter on objective consideration it is open for the learned Executive Magistrate to pass order in accordance with law.

The instant revision is, thus, disposed of.

At this stage, the direction for execution of bond is, therefore, set aside.

(Bibek Chaudhuri, J.)