

10-01-2023
Subha
Item no.53
Ct no.34

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

CRR 688 of 2021
With
CRAN 2 of 2022

Sourav Mondal @ Paltu
-versus-
State of West Bengal

Mr. Satadru Lahiri
Mr. Safdar Azam
.....for the petitioner.

Mr. Saibal Bapuli, Id. APP,
Mr. Soumik Ganguly
...for the State.

The present revisional application has been preferred challenging the proceedings of N. G. R No. 566 of 2021 under Section 110 of the Code of Criminal Procedure as well as the order dated 01.02.2021 passed by the learned Executive Magistrate, Basirhat, 24 Parganas(N).

The petitioner is aggrieved by the show cause notice so issued by the learned Executive Magistrate. The substance of the accusation on which the cause is to be shown is not recorded in the show cause notice issued by the learned Magistrate. As such, the report claims that it would not possible for him to answer the causes for which he has been implicated in connection with N.G.R. No. 566 of 2021. The learned Executive Magistrate should appreciate that whenever a bond is asked to be furnished, the same touches the liberty of a person. As such, there must be a subjective

satisfaction on the basis of the substantive accusation made over to the learned Executive Magistrate.

In view of the same not being present and not reflected in the order dated 01.02.2021, I am of the view that such order is against the basic principles of Chapter VIII of the Code of Criminal Procedure, the order dated 01.02.2021 is hereby quashed.

With the aforesaid observations, the present revisional application being CRR 688 of 2021 is disposed of.

Pending applications, if any, are consequently disposed of.

All concerned parties are to act in terms of a copy of this order duly downloaded from the official website of this court.

[Tirthankar Ghosh, J]