

16-02-2023
Subha
Item no.24
Ct no.34

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

CRR 1459 of 2021
With
CRAN 2 of 2022

Md. Sukur Mistry
-versus-
The State of West Bengal & Anr.

Re : An application under Section 482 of the Code of Criminal Procedure.

Mr. Imtiaz Ahmed
Ms. Ghazala Firdaus
Mr. Sk. Saidullah
Mr. Mithun Mondal
Mr. Md. Arsalan

.....for the petitioner.

Mr. Sujit Saha
Mr. Sarbesh Paul

....for the opposite party no. 2.

Mr. Ranadeb Sengupta

....for the State.

Mr. Sengupta, learned advocate appearing for the State has also produced the case diary of Baruipur P. S. Case No. 2094 dated 12.09.2019 wherein the police authorities on conclusion of investigation also submitted chargesheet under Sections 341/323 of the Indian Penal Code.

The summary of the allegations therein incorporate regarding attack, assault, compelling the complainant to sign on blank paper and two cheque leaf being snatched from the cheque book.

The present case being Baruipur P. S. Case No. 714 of 2020 dated 12.03.2020 is the subject matter of challenge before this court.

The core allegations were regarding that in spite of receipt of such cheque for carrying on business, the accused opted to carry on business with someone else. The complainant says that he has paid some money by way of cash and some money by cheque and there is an agreement.

The Investigating Agency on conclusion of investigation, submitted chargesheet. There has been a change of circumstance since the revisional application was filed before this court. Petitioner is granted liberty to canvass such points relating to his complicity and the substance of the accusations being made out or not at the stage of Sections 239/240 of the Code of Criminal Procedure.

Mr. Ahmed, learned advocate appearing for the petitioner pointed out the order dated 10.09.2020 where the learned Additional Sessions Judge, Bauripur was pleased to direct the petitioner to pay the entire amount to the de facto complainant within the schedule time.

Having considered the conditions so imposed, I am of the opinion that the same cannot be imposed as a condition for bail. Accordingly, the part of the order directing the present petitioner to pay the amount to the de facto complainant by order dated 10.09.2020 passed by the learned Additional Sessions Judge, Baruipur is hereby set aside. The petitioner was on bail. He is directed to appear before the learned jurisdictional court by March 10, 2023. In case the petitioner so appears, he may be allowed to continue on the same bail and bond so furnished before the learned jurisdictional court. The execution of the warrant of arrest so issued

be stayed till 15th March, 2023. The learned jurisdictional court will revive the warrant of arrest on 16.03.2023 in case the petitioner do not appear before the court. In case the petitioner appears, the warrant of arrest should be recalled.

. With the aforesaid observations, the revisional application being CRR 1459 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]