

C.R.R. 1801 of 2023

22.05.2023

Sl. 13
Court No.6
Sourav/
Suvayan

In Re: - An application under Section 482 read with Section 401 of the Code of Criminal Procedure, 1973.

And

In the matter of: **Prosenjit Kirtonia**

....petitioner.

Mr. Arunava Ganguly

... for the petitioner.

Mr. Rudradipta Nandy, Ld. APP

Mr. Suman De

... for the State.

The instant application filed under Section 482 read with Section 401 of the Code of Criminal Procedure against the impugned order dated 20.02.2023 by the Special Executive Magistrate at Chandannagar Division, Chandannagar Police Commissionerate in NGR (EX) No. 06/2023.

In terms of the impugned order, the Executive Magistrate directed the present petitioner to submit good behaviour bond under Section 110 of the Code of Criminal Procedure and amount of Rs. 40,000/- each with three sureties, namely, i) local school teacher preferably secondary teacher; ii) local surety of local Police Station and iii) court surety for his good behaviour for a period not exceeding three years as the Magistrate thinks fit.

Learned Counsel for the petitioner submitted that the terms and conditions are onerous for the petitioner. It is well-settled that the terms of bond of bail shall not be oppressive or impossible which may cause hardship to the petitioner concerned. This Court in a number of decisions reiterated this principle of law.

Accordingly, the Special Executive Magistrate, Chandannagar

Division, Chandannagar Police Commissionerate is directed to reconsider the impugned order dated 20.02.2023 and impose such conditions which may not be onerous or cause hardship to the petitioner. The impugned order shall be reconsidered and disposed of within a period of one month from the date of receiving a copy of this order.

A copy of the order may be sent to the concerned Special Executive Magistrate, Chandannagar Division, Chandannagar Police Commissionerate.

Accordingly, the revisional application being **CRR 1801 of 2023** is disposed of.

(Sugato Majumdar, J.)

