

23.08.2023

Item No.9
Ct.No.34
dc.

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION**

C.R.R. 2823 of 2023

**Ashok Agarwal @ Ashok Kumar Agarwal
versus
The State of West Bengal & Anr.**

In Re: An Application under Sections 397/401 read with Section 482 of the Code of Criminal Procedure, 1973.

Mr. Milon Mukherjee, Sr. Adv.,
Mr. Biswajit Manna ... For the Petitioner.

Mr. Sandipan Ganguly, Sr. Adv.,
Ms. Manaswita Mukherjee ... For the Opposite Party No.2.

Affidavit-of-service filed in Court today be kept on record.

The subject-matter of the present revisional application relates to an order dated 05.07.2023 passed in Criminal Appeal No. 35 of 2023 in connection with an order of conviction and sentence passed by the learned Judicial Magistrate, 2nd Court, Barrackpore under Section 138 of the Negotiable Instruments Act relating to C. Case No. 604 of 2012.

The petitioner has been taken in custody on 24.06.2023 as the stay order was refused by the learned appellate court. Having regard to the time period for which the petitioner is languishing in jail without the appeal being finally heard out, I am inclined to release the petitioner on interim bail on furnishing such amount of bond which the appellate court deems fit and proper, provided the petitioner on being released on interim bail within ten days, will deposit

10% of the amount of cheque which is the subject-matter of the appeal.

The interim bail will continue for ten days and the learned appellate court would extend the interim order of bail on the amount of 10% of cheque amount being deposited.

The learned appellate court would thereafter stay the execution of the order of the learned Magistrate and expedite the process of hearing of the appeal. All efforts be taken for concluding the hearing of the appeal by first week of December 2023.

With the aforesaid observations, the revisional application being CRR 2823 of 2023 is disposed of.

Pending connected 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.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Tirthankar Ghosh, J.)