

D/L88
11.10.2023
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C.R.R.3692 of 2023

In Re: An application under Section 482 of the Code of Criminal Procedure, 1973;

State of West Bengal
Versus
Muktar Sk. @ Muktar Sheikh @ Bhutu Sk. and another

Ms. Anasuya Sinha
Mr. Pinak Kr. Mitra.
...for the petitioner/State.

Mr. Rajdeep Majumder
Mr. Moyukh Mukherjee
Mr. Anisur Rahman
Mr. Sarthak Mondal.
...for the opposite party no.1.

Petitioner is aggrieved by the order of 4th March, 2023 passed in Criminal Misc. Case No.6305 of 2022 arising out of Beldanga Police Station Case No.509 of 2022 dated 26.08.2022 under Sections 302/34 of the Indian Penal Code and Sections 25/27 of the Arms Act.

The subject matter of grievance related to non-compliance of some of the conditions which were granted at the time of bail. The grievance of the petitioner is that when such issue was agitated before the learned Sessions judge, learned Sessions Judge opined that the same to be barred under Section 362 of the Code of Criminal Procedure.

Be that as it may, the final result prayed for is for cancellation of bail. The perversity in an order for challenging by way of praying for cancellation of bail should be before a court

having determination and the legality of the same cannot be challenged by way of invoking powers under Sections 401/482 of the Code of Criminal Procedure until and unless there are exceptional circumstances. There may be grievance of the petitioner but the petitioner would be at liberty to challenge such order under Section 439(2) of the Code of Criminal Procedure before the appropriate court having determination.

Mr. Majumder, learned advocate, appears on behalf of the accused/opposite party no.1 and refutes the contentions advanced by Mr. Mitra, learned advocate appearing for the State/petitioner.

Accordingly, the revisional application being CRR 3692 of 2023 is dismissed with liberty to the petitioner to approach the appropriate court.

Pending application, if any, is consequently dismissed.

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 of all requisite formalities.

(Tirthankar Ghosh, J.)