

03.04.2023

Sl. No.: 2

Court No.3

BM

**CALCUTTA HIGH COURT
In the Circuit Bench at Jalpaiguri
Appellate Side**

CRR 93 of 2022

**Bhola Das
vs.
State of West Bengal**

Mr. Sayan De
Mr. Sampad Das
Ms. Esha Acharya

... for the petitioner

Mr. Aditi Shankar Chakraborty
Mr. Ujjwal Luksom

... for the State

The present revision has been preferred against an order dated 27th December, 2021 passed by the Learned Chief Judicial Magistrate, Jalpaiguri corresponding to Maynaguri Police Station Charge Sheet No.395/2021 dated 24.09.2021 in connection with G.R Case No. 1503/2018 arising out of Maynaguri Police Station Case No.159/2018 dated 22.04.2018 under Sections 420/120B of the Indian Penal Code, 1860, read with section 3/4 of the West Bengal Gambling and Prize Competitions Act, thereby denying to release the petitioner's bank account being No.000000033726168579.

The relief prayed for by the petitioner in the revisional application wherein a supplementary affidavit has also filed is for withdrawal of the amount which is at present in his saving Bank account No. 000000033726168579. The prayer for withdrawal

from the said account has been rejected by the learned Magistrate by the order under revision. Learned Additional Public Prosecutor in this case has filed a report dated 06.03.2023 as directed by the court. In the said report it has been stated as follows:

“Hence, at this stage of trial and as the case is still pending for supplementary charge sheet, I strongly object the release and defreeze of seized bank account No.00000030345472923 in SBI, Kadamtala Branch, Jalpaiguri of Bhola Das for the interest of the investigation of the case.

The IO f the case SI Pranab Kumar Paul who submitted the Charge Sheet in this case attended the PP office, Circuit Bench, High Court, Calcutta on 06.03.2023 as per message and consulted with the Ld. PP and informed that this particular account No.000000033726168579, it is not connected with the alleged seized Bank account No.00000030345472923.”

By filing supplementary affidavit the learned counsel for the petitioner submits that the learned Magistrate vide order dated 27.12.2021 has rejected the prayer for release of account being No. 000000033726168579. It is submitted that the said account is different one and is not connected with the account in the present case. The report of the Investigating Officer, CID, clearly states that the said account No. 000000033726168579 is not connected with the account number in the present case being no. 00000030345472923. Considering the said fact and in the interest of justice the order dated 27.12.2021 passed by the

learned Chief Judicial Magistrate, Jalpaiguri in GR No.1503 of 2018 is set aside. The petitioner is permitted to operate his account No.000000033726168579. **It is made clear that the account No.00000030345472923 which is connected with the present case shall not be operated in any manner whatsoever**, as the said account is not the subject matter of the present revision. Liberty is granted to the learned Advocate on record for the petitioner to correct the technical errors in the revisional application.

The revision stands allowed.

CRR 93 of 2022 stands disposed of.

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

(Shampa Dutt (Paul), J.)