

CRR 2650 of 2022

**Angal Chandra Daimary
Vs.
The State of West Bengal & Anr.**

Mr. Mrinal Kanti Mukherjee
... for the petitioner

Ms. Anasuya Sinha
... for the State

1. The present revisional application has been preferred against an order dated 7th July, 2022 passed by the learned Additional Chief Judicial Magistrate, Bidhannagar, in G.R. Case No. 870 of 2014 arising out of North Bidhannagar P.S. Case No. 191 of 2014 dated 25.04.2011 under Sections 420/406/408/120B of the Indian Penal Code whereby the said learned Magistrate 3 months after submission of Charge Sheet, on the prayer of the investigating officer, fixed the hearing of the application for freezing the pension account of the petitioner, even though, the petitioner was not named in the said charge sheet being no. 540 of 2022 dated 23.04.2022.

2. The order under revision dated 7th July, 2022 is reproduced here :-

“.....Seen the prayer of the I.O. who prays for freeze of Bank Account No. 67016119003 of State Bank of India. HA Block Branch, Salt Lake Sec. – 1, Kolkata-91 of the F.I.R. named Sri Angel Chandra Daimary.

Heard Ld. APP

IO is not present.

To 27.07.22 for hearing in present of IO.
D/C.....

Sd/-
ACJM
Bidhannagar
North 24 Parganas”

3. It appears from the said order that the petition praying for freezing of the bank account was fixed for hearing. The petition **has not been disposed of by the said order under revision.**
4. The learned counsel for the petitioner has relied upon Section 11 of the Pensions Act, 1871 which reads as follows :-

“11. Exemption of pension from attachment-
No pension granted or continued by Government on political considerations, or on account of past services or present infirmities or as a compassionate allowance,

and no money due or to become due on account of any such pension or allowance.

Shall be liable to seizure, attachment or sequestration by process of any Court at the instance of a creditor, for, any demand against the pensioner, or in satisfaction of a decree or order of any such Court.

[This section applies also to pensions granted or continued, after the separation of Burma from India, by the Government of Burma.]”.

5. The learned counsel for the State has placed the case diary along with a fresh memo of evidence.
6. It appears from the materials on record that charge-sheet was filed in the instant case and admittedly, **the petitioner is not a charge-sheeted accused.**

7. It is submitted by the learned counsel for the State that leave was prayed for to file supplementary charge-sheet, if deemed necessary.
8. Considering the said facts and the materials on record, the revisional application is disposed with the direction that the learned Magistrate **shall decide** the application pending before it, vide order dated 07.07.2022, within a period of **30 days** from the date of this order keeping in mind the materials in the case diary, the charge-sheet filed, subsequent developments, if any, and also the relevant provisions of the Pensions Act as relied upon and shall dispose of the petition in accordance with law.
9. **CRR 2650 of 2022 is disposed of.**
10. All connected applications, if any, stand disposed of.
11. Interim order, if any, stands vacated.
12. Urgent Photostat certified copy of this order, if applied for, be supplied to the parties expeditiously after due compliance.

(Shampa Dutt (Paul), J.)