

In the High Court at Calcutta
(Criminal Revisional Jurisdiction)
Appellate side

09.09.2025

9
Ct-32
(RD)

CRR 671 of 2025

**Susanta Ghosh
Vs.
The State of West Bengal & Ors.**

Mr. Arindam Jana, Adv.
Mr. Yuvraj Chatterjee, Adv.
.... For the Petitioner

Mr. Kumar Jyoti Tewari, Adv.
Mr. Arijit Majumdar, Adv.
.... For the Union of India

Mr. Sandipan Ganguly, Ld. Spl. P.P.
Mr. Bibaswan Bhattacharyya, Adv.
Ms. Rajnandini Das, Adv.

... For the State

1. This revision application has been preferred by the petitioner/accused assailing the Order No. 85 dated 18.01.2025 passed in connection with Spl. Case No. 120 of 2018 wherein Ld. Special Judge, Bidhannagar, North 24 parganas refused an application with a prayer for renewal of passport.
2. The observation of the Ld. Trial Judge stands as follows:-

“ Renewal of passport of applicant Susanta Ghosh is an affair between the applicant and the department concerned i.e. the passport authority of Government of India. Needless to say that this court cannot direct the passport

department, Government of India to renew the passport of the applicant...”

3. Ld. Counsel, Mr. Arindam Jana, appearing on behalf of the petitioner has drawn my attention to the notification no. G.S.R. 570 (E) dated August 25, 1993 of Ministry of External Affairs, published in the Gazette of India, Extra., Part II, Section 3(i), dated 25th August, 1993, pp. 2-3, Sl. No. 289 [No. VI/401/37/70]. Mr. Jana has also submitted that according to notification mentioned above, passport of the applicant cannot be renewed without the requisite permission of the Court which is envisaged in the notification itself as it is not disputed that applicant is an accused of a criminal proceeding.

4. In opposition to that, Mr. Sandipan Ganguly appearing on behalf of the State has contended that accused of this case was granted bail by the Hon’ble Apex Court in connection with Criminal Appeal no. 310 of 2012 with specific observation which runs as follows:-

“We, therefore, allow the appeal and direct that the appellant be released on bail to the satisfaction of the trial court. The trial court may impose such conditions as may be necessary to secure the appellant's presence during the trial. In addition to the above, except for Garhbeta, which is his assembly constituency, the appellant shall not enter other areas of Paschim Medinipur District, West Bengal, without the permission of the

trial court and shall report to the local police station where he will be residing. once on the last Sunday of each month, between 11.00 a.m. and 1.00 p.m. The appellant shall make himself available before the trial court at all stages of the trial, unless for any special reason he is exempted from doing so by the trial court on any particular occasion.”

5. Mr. Ganguly has further relied on the order dated 16th November, 2020 passed by the Hon’ble Apex Court in connection with Miscellaneous Application No(s). 56 of 2020 thereby directing relaxation of the condition in the penultimate paragraph of the Order which runs as follows:-

“We, however, make it clear that the applicant shall confine himself to the house and shall only go out of the house only to meet the requirements of medical needs of her ailing wife and old mother and for essential domestic needs. In event, he tries to influence the witnesses or intimidate them, it shall be open for the prosecution to make an application for cancellation of bail.”

6. Accordingly, Mr. Ganguly has tried to make this Court understand that Ld. Magistrate cannot allow the prayer for renewal without modification of the Order in connection with Miscellaneous Application No(s). 56 of 2020.
7. On Conjoint reading of both the aforementioned Orders passed by the Hon’ble Apex Court, I find that nowhere in the Order Hon’ble Apex Court

prohibited the petitioner from filing any application for renewal of his passport before the appropriate authority. Hon'ble Apex Court only prohibited the petitioner to enter other areas of Paschim Midenipur District, West Bengal, save and except Garbeta which is the Assembly Constituency of the petitioner. Subsequently, the Hon'ble Apex Court on an application allowed the petitioner to enter his house beyond his constituency only to meet the requirements of medical needs of his ailing wife and old mother and for essential domestic needs.

8. Therefore, I am of the humble opinion, that the Hon'ble Apex Court only restricted the movement of the petitioner in other areas of District Paschim Medinipur save and except Garbeta which is Assembly Constituency of the petitioner. Therefore, order of the Hon'ble Apex Court never restricted movement of the petitioner beyond the District of Paschim Medinipur.

9. In view of the notification mentioned hereinabove, Ld. Judge cannot be said to have rightly exercised his power regarding grant of permission envisaged in notification no. G.S.R. 570(E), dated August 25, 1993.

10. In the aforesaid view of the matter, the observations of the Ld. Special Judge quoted hereinabove is found to be devoid of any merit.

11. Accordingly the Order No. 85 dated

18.01.2025 in connection with Spl. Case No. 120 of 2018, stands set aside. The matter is remanded back to the Ld. Trial Judge to re-hear the application dated 30.11.2024 filed at the behest of the petitioner afresh clearly on merit after giving opportunity of hearing to the parties and to dispose of the application in accordance with the prescribed law therefor without getting influenced in any manner whatsoever with any observation made by this Court herein.

12. With the aforesaid observation the revision application being no. CRR 671 of 2025 stands allowed.

13. All parties to this application shall act on the server copy of this order downloaded from the official website of this Court.

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

(Bibhas Ranjan De)