

11.07.2025

DL-11
(AD)

**CRR 2461 of 2025
with
IA No.: CRAN 1 of 2025**

In Re.: An application under Section 401 read with Section 482 of the Code of Criminal Procedure corresponding to Section 442 read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023.

In the matter of: Monirul Islam @ Moni

... ..petitioner

Mr. Joy Chakraborty, Advocate

Ms. Ipsita Ghosh, Advocate

... For the petitioner

Mr. Arindam Sen, Advocate

Ms. Sonali Bhar, Advocate

... .. For the State

1. Revisional application is directed against an order dated May 22, 2025 passed by the learned Judge, Special Court, West Bengal (MP's & MLA's Cases) in Spl. Case No.01/2025.
2. The revisional application was initially moved in the vacation before a learned Single Judge. An order dated June 5, 2025 was obtained from the learned Single Judge.
3. Learned Single Judge was not allocated the business of a revisional application such nature.
4. In view of the ratio laid down in **2025 SCC OnLine SC 582 (Garden Reach Shipbuilders and Engineers Limited vs. Grse Limited Workmens Union and Others)** and the decision of the Full Bench rendered in **FMAT 269 of 2024 reported in 2025:CHC-AS:1192-LB (Shri Praveen Jain and Anr. Vs. Tulsan Properties Private Limited and Anr.)**

and as the learned Single Judge was not vested with the requisite determination to consider and entertain a revisional application directed against an order passed in a criminal case involving MP's and MLA's cases, the initial order dated June 5, 2025 passed in the revisional application is a nullity.

5. Today, learned Advocate appearing for the petitioner seeks leave to withdraw the revisional application.
6. The revisional applicant misutilized the process of the Court and obtained an order on June 5, 2025 during the vacation from a Court which did not possess the requisite jurisdiction.
7. The conduct of the revisional applicant, therefore, should not go unnoticed. Allowing the revisional applicant to withdraw the revisional application after obtaining a favourable order from a Court which did not possess the requisite jurisdiction and more so, subsequent to obtaining the order from the Court during the vacation when it did not possess the jurisdiction, another application being IA No.:CRAN 1 of 2025 was filed for extension of such order, will not sub-serve the interest of justice.
8. On merits, we find that, the order impugned in the revisional application contains adequate and proper reason for dismissal of the application for discharge as prayed for by the revisional applicant.
9. In such circumstances, CRR 2461 of 2025 along with connected application being IA No.:CRAN 1 of 2025 is disposed of by directing the revisional applicant to pay costs assessed at Rs.5,00,000/- (Rupees Five Lakhs) only to the

West Bengal State Legal Services Authority within 7(seven) days from date.

10. In the event, documentary evidence of payment of costs is not filed before the jurisdictional Court before which, the proceedings are pending, such Court will take appropriate measures to realize the costs including initiating proceedings for insolvency of the revisional applicant as well as recovering the costs as arrears of land revenue from him.
11. CRR 2461 of 2025 along with IA No.: CRAN 1 of 2025 are disposed of accordingly.

(Debangsu Basak, J.)

(Prasenjit Biswas, J.)