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CRR 3492 of 2025

In Re : An application under Section 442 read with Section 528 of the BNSS, 2023 corresponding to Section 482 read with Section 401 of the Code of Criminal Procedure, 1973.

In Re : Susanta Biswaspetitioner

Mr. Arindam Jana
Mr. Kartik Kapas
Mr. Yuvraj Chatterjee
..... for the petitioner

Mr. Debasish Roy, learned PP
Ms. Sreyashee Biswas
Ms. Puja Goswami
..... for the State

The present revisional application has been preferred challenging the order dated 28th July, 2025, passed by the learned Chief Judicial Magistrate, Paschim Bardhaman, Asansol, in G.R. Case No. 1603 of 2025, which arose from Hirapur Police Station Case No. 169 of 2025 dated 12th June, 2025, under Sections 420/120B of the Indian Penal Code and Section 14A(b) of the Foreigners (Amendment) Act, 2004.

In the instant case, the petitioner was apprehended on the suspicion that he is a Bangladeshi national and as noted earlier, a case under Sections 420/120B of the Indian Penal Code and Section 14A(b) of the Foreigners (Amendment) Act, 2004 was started on a further allegation that the petitioner had forged certain documents. However, to prove his nationality, the petitioner has produced certain documents,

namely, a Voter Identity Card, Aadhaar Card, and the Identity Card issued by his employer, Steel Authority of India.

Mr. Jana, learned Advocate appearing for the petitioner, submits that following the petitioner's arrest in connection with the present case, he was placed under suspension. Upon being released on bail, the petitioner approached his employer with the intention of resuming his duties. Mr. Jana further submits that although the suspension order issued against the petitioner has been withdrawn, the employer has not permitted him to rejoin duty, as his Identity Card issued by the Steel Authority of India was seized in connection with the case.

Faced with this situation, the petitioner was compelled to file an application before the learned Trial Court. However, the Trial Court has refused to accept the petitioner's contention.

He claims that the petitioner is an Indian citizen, which would be evident from the documents submitted by the petitioner as well as upon proper investigation. He further submits that the petitioner is facing acute financial hardship, and that if he is not allowed to resume duty pending investigation, inquiry, and trial, he will suffer substantial prejudice.

Ms. Goswami, learned Advocate appearing for the State, opposes the contention advanced by the petitioner. She submits that the petitioner has been released on interim bail and the document seized from the petitioner has been sent for verification. The verification report of the investigation has not yet been received by the investigating officer. However, ultimately, she leaves the matter to the discretion of the Court.

Heard the learned Advocates appearing for the respective parties and perused the materials on record.

Ms. Goswami is unable to confirm whether the Identity Card issued in favor of the petitioner by his employer has been verified or not.

Taking note of the fact that the petitioner is facing acute financial hardship, and that the order of suspension issued against him has already been withdrawn, but he is unable to resume his duties in the absence of the Identity Card issued by his employer, this revisional application is disposed of with a direction for the return of the said Identity Card issued by the petitioner's employer, namely the Steel Authority of India. This, however, shall be subject to the petitioner depositing a photocopy of the Identity Card with the investigating authority. The investigating authority shall be at liberty to verify the Identity Card based on the information available in the photocopy so submitted. The learned Chief Judicial Magistrate, Paschim Bardhaman, Asansol, shall ensure compliance with this order.

With these observations and order, the revisional application is disposed of.

(Partha Sarathi Chatterjee, J.)