

12.09.2025
Item No.22
Ct. No. 446
KS

C.R.R. 3755 of 2025

In the matter of: **Saurabh Kumar**

..... Petitioner

Mr. Shiven Roy

Mr. Atul Surekha

....For the Petitioner

Ms. Zaren Nasima Khan

Mr. Arup Sarkar

.....For the State

1. Affidavit of service filed by the petitioner in Court today and the same be taken on record.
2. This instant criminal revisional application has been filed by the petitioner against a judgment and order dated 24th July, 2025 passed by learned Additional District & Sessions Judge, 8th Court, Barasat in connection with Criminal Revision Case No.128 of 2025 arising out of New Town Police Station Case No.39 of 2025 under Sections 319(2)/ 318(4)/ 316(2)/ 351(3)/ 74 of the B.N.S., 2023 dated 22nd February, 2025 seeking release order of the vehicle has been allowed, but the petitioner is unable to meet up the condition, as imposed therein.
3. Learned advocate appearing on behalf of the petitioner submits that a First Information Report has been registered against the present petitioner before the Techno City Police Station by the de facto complainant and by an order passed by learned Chief Judicial Magistrate, Barasat dated 6th March, 2025, he was shown arrest by the Investigating Officer. Thereafter, by an order dated 10th March, 2025, the prayer of the Investigating Officer was allowed to re-seize the said vehicle in connection with the Techno

City Police Station when the vehicle was already seized by the New Town Police Station in respect of another case. The petitioner is already released by an order passed by the learned Court of Chief Judicial Magistrate on 11th April, 2025.

4. It is further submitted that the said vehicle is still lying in the New Town Police Station and no search was conducted. However, the application was filed before the learned Court of Additional Sessions Judge, 8th Court at Barasat against the order dated 17th June, 2025 in connection with Techno City Police Station case as passed by the learned Chief Judicial Magistrate and while allowing the said revisional application, the learned Court gave the direction to the petitioner to furnish a separate bank guarantee of Rs.5 lacs and execute a bond of Rs.20 lacs before the learned Chief Judicial Magistrate, 24 Parganas North subject to furnish such bank guarantee and bond the vehicle to be released.
5. It is the specific case of the petitioner that the amount of bank guarantee of Rs.5 lacs each as directed in connection with Techno City Police Station and New Town Police Station case totalling to Rs.10 lacs is not the value of the vehicle itself. Accordingly, he prays for relaxation of the same.
6. Learned advocate representing the State raises strong objection on the ground that instead of coming before this Court, the petitioner ought to have filed an application before the concerned Court for relaxation of the condition.

7. Having heard both the learned counsel appearing for the parties and on a careful perusal of the entire facts and circumstances of the case, this Court finds that the revisional Court allowed the prayer of the petitioner with the observation that the vehicle is termed as 'offending vehicle' when the allegation of cheating was levelled against the petitioner. Despite that, by passing the order, the amount granted to furnish the bank guarantee is a hefty amount and it makes the purpose of passing such order as otiose. Therefore, this Court is of the view that the amount of bank guarantee and the bond to be executed is required to be relaxed after modifying the order passed.
8. Accordingly, the order impugned is modified to that extent that the revisionist is to furnish a separate bank guarantee of Rs.2 lacs and execute a bond of Rs.5 lacs before the learned Chief Judicial Magistrate, Barasat, North 24 Parganas.
9. The rest portion of the order will remain the same.
10. With this above observation, the criminal revisional application stands disposed of.

All parties shall act on the server copies of this order duly downloaded from the official website of this Court.

(CHAITALI CHATTERJEE (DAS), J.)