

01.07. 2025
Item No.54
KB
Ct. No. 3

**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI**

C.R.R 304 of 2025

In the matter of : **Bhaskar Majumdar**

... Petitioner.

Mr. Jaydeep Kanta Bhowmik,
Mr. Sayantan Bhowmik,
Mr. Shubham Kumar,
Ms. Sayantani Das

...for the petitioner.

This criminal revisional application has been preferred against an order dated 21st March, 2025 in connection with C.R. Case No. 424 of 2018 passed by a learned Judicial Magistrate, 3rd Court, Jalpaiguri.

Considering the nature and impropriety of the impugned order itself, I think it necessary to dispose of the instant criminal revisional application without hearing the State.

The brief fact of the matter is that the present petitioner arrayed as an accused of an offence under Sections 138/141 of Negotiable Instruments Act by a complaint lodged by the opposite party no. 1. The present petitioner was arrested in connection with the said case and was put under JC vide order dated 31st January, 2025. Thereafter, on 4th February, 2025, he was enlarged on bail by the learned Chief Judicial Magistrate, Jalpaiguri on furnishing a bail bond of Rs.1000/-. The bail bond was furnished and the accused petitioner was on interim bail. On 6th February, 2025 the accused was present before the learned Judicial Magistrate, 3rd Court,

Jalpaiguri and prayed for extension of the interim bail. His prayer was allowed in spite of objection raised by the petitioner. The next date i.e. on 24th February, 2025, his interim bail was again extended. On 21st March, 2025, the petitioner/accused person again prayed for extension of interim bail. The learned Judicial Magistrate-in-Charge has extended the interim bail subject to payment of Rs.10,000/- i/d. W.A.

Being aggrieved and dissatisfied with the said order dated 21st March, 2025, the instant criminal revision has been preferred.

Learned counsel for the petitioner submits that the petitioner had no clue how the learned Judicial Magistrate has imposed an amount of Rs.10,000/- upon the petitioner. It was not imposed in lieu of fine or in lieu of part payment of dishonoured cheque amount. There is no application on behalf of the complainant under Section 143A of N.I. Act for making part payment of the dishonoured cheque amount.

It is the contention of the learned counsel for the petitioner that the learned Magistrate himself on his own volition has directed the petitioner/accused to pay the huge amount. As the petitioner could not pay the amount on the subsequent date i.e. on 19th April, 2025, warrant of arrest was issued against the accused person.

Having heard the learned counsel for the petitioner and also considering the order dated 21st March, 2025 as well as subsequent order dated 19th April, 2025, it appears to me that the learned Magistrate has not assigned any reason why the payment of Rs.10,000/- was directed to be made by the present petitioner/accused. Moreover, there are no applications on behalf of

the complainant for part payment of cheque amount. The learned Magistrate has not assigned any reason for passing such an order. A judicial order without assigning any reason itself a nullity.

It further appears that in the similar circumstances, a Co-ordinate Bench of this Court in CRR 204 of 2025 has also assailed an order of Judicial Magistrate of similar nature.

I make it clear that the impugned order dated 21.03.2025 and subsequent order dated 19.04.2025 are itself bad-in-law and they are liable to be set aside.

Hence, both the orders in respect of payment of Rs.10,000/- by the present petitioner/accused is hereby set aside. Subsequent order dated 19.04.2025 regarding issuance of warrant of arrest against the accused/petitioner is also hereby set aside.

The petitioner is directed to appear before the learned Magistrate on or before 15th July, 2025. On his appearance, the learned Magistrate shall proceed with the C.R. case strictly in accordance with the law.

Under the above observations, the instant criminal revision is disposed of.

(Subhendu Samanta, J.)