

Item 29.07.
No. 2025
37

**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
CRIMINAL REVISIONAL JURISDICTION**

Ct 03

CRR 338 of 2025

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Bhaskar Majumdar
Vs.
Gour Nitya Tea & Tea Industries Limited & Anr.

Mr. Jaydeep Kanta Bhowmik,
Ms. Debi Sarkar.
Ms. Priti Das,
Ms. Moumits Shome ... for the petitioner.

Mr. Nilay Chakraborty, Ld. APP.
Mr. Sourav Ganguly. ... for the State.

1. Affidavit of service filed by the petitioner be kept with the record.
2. This revisional application has been filed assailing the orders dated 21st March, 2025 and 19th April, 2025 passed in connection with CR. 575 of 2017 under Section 138 of the Negotiable Instruments Act.
3. By the order dated 21st March, 2025, Learned Judicial Magistrate, 3rd Court, Jalpaiguri (I.C) directed the petitioner/accused to pay Rs.10,000/-, in default warrant shall be issued and vide that order interim bail was extended.
4. In view of the order dated 19th April, 2025 warrant was issued for non-payment of Rs.10,000/- in compliance

with the order dated 21st March, 2025.

5. I have perused all the orders right from the date of examination of accused under Section 251 of the Code of Criminal Procedure (Section 274 of BNSS) and I have found that no such direction was ever promulgated for payment of Rs.10000/-.
6. From the order dated 21st March, 2025, it appears that Learned Judge passed an order directing payment of Rs.10,000/-, in default warrant shall be issued and on the next date i.e. 19th April, 2025 warrant was issued for non-payment. In absence of any specific reason, I am of the humble opinion that Learned Magistrate cannot impose any direction to pay Rs.10,000/- by the petitioner/accused at the time of granting bail.
7. From that point of view, the order dated 21st March, 2025 is not at all sustainable in law and as a sequel order dated 19th March, 2025, suffering from severe illegality, is liable to be set aside.
8. In the aforesaid view of the matter, both the orders dated 21st March, 2025 and 19th April, 2025 stand set aside. Warrant, if at all issued, be recalled.
9. With the aforesaid observation, the revisional application stands disposed of.

10. Urgent photostat certified copy of the order, if applied for, be given to the parties on usual undertakings.
11. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Bibhas Ranjan De, J.)