

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

WPO/859/2025
TUHIN MAJUMDER
VS
THE STATE BANK OF INDIA AND ANR

BEFORE:

The Hon'ble JUSTICE SAUGATA BHATTACHARYYA

HEARD ON : 17.12.2025

JUDGMENT ON : 17.12.2025

For Petitioner :

Mr. Debashis Banerjee, Advocate
Ms. Gargi Roy, Advocate
Mr. Subrata Saha, Advocate
Mr. Rakesh Jana, Advocate
Mr. Abhik Biswas, Advocate

For Respondent Nos. 1 & 2 :

Mr. Subrata Kumar Sinha, Advocate

Saugata Bhattacharyya, J. :

1. Matter is heard in presence of the learned Advocates representing the petitioner and State Bank of India being the contesting respondent.
2. Petitioner was an employee of State Bank of India who was implicated in a criminal proceeding which culminated into an order of conviction dated 29th July, 2025 passed by Additional Sessions Judge, First Court, Barasat. Petitioner along with two other persons were found guilty for commission of offence under Section 498A/306/34 of the Indian Penal Code. It is submitted

- by the learned Advocate representing the petitioner that the criminal proceeding was initiated due to unnatural death of petitioner's wife.
3. Petitioner preferred appeal against the order of conviction before the High Court being CRA(SB) 111 of 2025 in connection with which an application being CRAN 1 of 2025 was moved before a co-ordinate Bench.
 4. From the order passed by the co-ordinate Bench on 24th September, 2025 on the aforesaid appeal and application it appears that the petitioner herein being one of the appellants sought for suspension of sentence. However, co-ordinate Bench vide order dated 24th September, 2025 granted bail on certain conditions including appearance of the petitioner before the learned Magistrate once in a month till disposal of the appeal.
 5. Prayer is made by presenting this writ petition which would permit the petitioner to resume duty as an employee of State Bank of India subject to final result of the appeal. In support of such submission reliance is placed on an order passed by a co-ordinate Bench dated 12th September, 2013 in a writ petition being WPA 16734 of 2010 (Ramgopal Sikder Vs. State Bank of India & Ors.).
 6. However, it is rightly pointed out by the learned Advocate representing Bank Authority that in Ramgopal Sikder (supra) order of conviction was stayed in appeal but in the present case prayer was made for suspension of sentence and the co-ordinate Bench vide order dated 24th September, 2025 granted bail. Appeal is still pending for final adjudication.

7. This Court cannot shut its eyes to the fact that petitioner was convicted of committing offence which is punishable under Section 498A/306/34 of the IPC and the trial court vide order dated 29th July, 2025 sentenced the petitioner thereby directing that the petitioner shall suffer rigorous imprisonment of seven years and payment of fine of Rs.50,000/- with default clause.
8. Considering the aforesaid facts, Court is not inclined to permit the petitioner to resume duty at this stage when appeal is pending
9. Writ petition stands dismissed.
10. Urgent xerox certified copy, if applied for, be supplied to the parties upon compliance with all necessary formalities.

[SAUGATA BHATTACHARYYA, J.]

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