GAHC020008652026 2026:GAU-NL:582

THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)
KOHIMA BENCH

Case No. : CRL.REVN/23/2026

BIDESH BISWAS (REPRESENTED BY ABHIJIT BHATTACHARJEE)
S/O LATE BIRENDRA BISWAS
R/O DESHBANDHU PARA CHITTARANJAN ROAD
NEAR SMC INDOOR STADIUM
P.O.P.S. SILIGURI
DISTRICT DARJEELING (WEST BENGAL)

VERSUS

CENTRAL BUREAU OF INVESTIGATION
ANTI CORRUPTION BRANCH
IMPHAL
MANIPUR
REPRESENTED BY THE SUPERINTENDENT OF POLICE AND HEAD OF BRANCH
CBI
ACB
IMPHAL

Advocate for : VIKRAMJEET DEVNATH
Advocate for : appearing for CENTRAL BUREAU OF INVESTIGATION

Linked Case :I.A.(Crl.)/39/2026

BIDESH BISWAS (REPRESENTED BY ABHIJIT BHATTACHARJEE) S/O LATE BIRENDRA BISWAS, R/O DESHBANDHU PARA CHITTARANJAN ROAD, NEAR SMC INDOOR STADIUM, P.O.P.S. SILIGURI, DISTRICT DARJEELING (WEST BENGAL)

VERSUS

CENTRAL BUREAU OF INVESTIGATION
ANTI CORRUPTION BRANCH, IMPHAL, MANIPUR, REPRESENTED BY THE SUPERINTENDENT OF POLICE AND HEAD OF BRANCH, CBI, ACB, IMPHAL

Advocate for the Petitioner : VIKRAMJEET DEVNATH,

Advocate for the Respondent : ,

BEFORE
HONBLE MRS JUSTICE HELEN DAWNGLIANI

O R D E R (ORAL)

29.10.2026

Heard Mr. M. Biswas, learned counsel alongwith Mr. Vikramjeet Devnath, learned counsel for the Revisionist and Mr. Bendangwabang, learned Special Counsel for the Respondent/CBI.

2. The instant case has arisen out Complaint Case No. AGM/HR/DAC/3323 dated 14.03.2013 lodged by the Assistant General Manager (AGM), State Bank of India, Regional Business Office, Dimapur alleging irregular sanction of Cash Credit Loans at SBI, Dimapur Evening Branch on the basis of which CBI, ACB, Imphal registered R.C. No. 04(A)/2013 on 28.06.2013. On completion of investigation, Chargesheet No. 02 was filed on 20.07.2015 and *prima facie* case was found against the instant Revisionist alongwith other accused for the offence punishable U/s 120-B r/w Sections 420/468/471 IPC and Section 13(2) r/w Section 13(1)(d) of the Prevention of Corruption Act (in short "PC Act"). In the

Chargesheet, the instant Accused was arrayed as Accused No. 4. Charge was framed against the accused persons by the learned Special Judge, CBI, Dimapur on 22.09.2026 for the offence punishable U/s 120B r/w Sections 420/468/471 IPC whereas offence U/s 13 PC Act was dropped.

3. The instant application is filed challenging the Order of Conviction of the instant Revisionist on the alleged plea of guilt. On his conviction, the Revisionist was sentenced to undergo S.I. for 3 (three) months and to pay a fine of Rs. 75,000/- (Rupees Seventy Five Thousand) and in default, further undergo S.I. for a period of one month with a further Order that in terms of Section 428 Cr.PC and Section 468 BNSS, detention already undergone was to be set off from the sentence.

4. I have heard the learned counsel for the parties.

5. Mr. M. Biswas, learned counsel for the Revisionist submitted that the plea of the Revisionist/Accused was not recorded in the language spoken by the Accused or the sentence made by the Accused. It was also submitted that the plea was not recorded at all by the learned Trial Court while framing the charge, and thereby recording the Order of Conviction on the basis of an alleged plea of guilt. It is also submitted that the remaining accused persons who had pleaded guilty to the charge were also convicted but were given benefit under Section 4 of the provision of Probation of Offenders Act which was denied to the Revisionist.

6. In view thereof, the learned counsel has prayed for setting aside of the Order of Conviction dated 22.09.2026 and to remit the case to the learned Special Judge, CBI, Dimapur in accordance with law from the

stage or framing of charge/in the alternative, to extend the benefit of the provision of Section 4 of the Probation of Offenders Act on parity with other similarly placed persons. In support of his submission, the learned counsel has placed reliance on the following cases:-

(i) ***Jupudi Anand Gupta vs. State of Andhra Pradesh***, reported in ***(2019) 14 SCC 723***;

(ii) ***State of Mizoram vs. Ramengmawia***, reported in ***(2006) 1 Gauhati Law Reports 745***; and

(iii) ***Shri Mahant Kaushalya Das vs. State of Madras***, reported in ***1965 SCC Online SC 3***.

7. On the other hand, Mr. Bendangwabang, learned Special Counsel for the Respondent/CBI vehemently opposed to the application by submitting that firstly, the manner of authorization in favour of Mr. Abhijit Bhattacharjee is not proper inasmuch as there is no whisper at all in the petition regarding the relationship and the authority with which such authorization was given by the Revisionist to the representative. In this regard the learned counsel has placed reliance in the case of:-

(i) ***Ramathal &Ors. vs. K. Rajamani (Dead)***, reported in ***2023INSC737***;

(ii) ***Amrinder Singh@Raja through SPA Holder Sukhjinder Singh vs. The State of NCT of Delhi***, reported in ***CRL.MC. 1571/2021***; and

(iii) ***Samantha Christina Delfina Willis vs. State of Karnataka and Ors.***, reported in ***Writ Petition No. 24602/2001 (GM-RES)***, an Order dated 01.06.2022.

8. It is also submitted by the learned counsel that the plea of the Accused was rightly recorded and no prejudice was caused to the Revisionist. It was further submitted that the instant Revisionist cannot claim parity with the other co-accused persons as it is seen from the Order of the learned Trial Court that it was only after proclamation was issued that he could be arrested and his presence could be secured. It was under such circumstances that the presence of the instant Revisionist was procured by the learned Trial Court and the learned Trial Court has rightly not extended the benefit of Section 4 of the Probation of Offenders Act to the Revisionist. It is also submitted by the learned counsel that the plea of the Accused was recorded and no illegality or error was committed by the learned Trial Court.

9. This application is filed under Section 438 and 442 read with Section 528 of the *Bharatiya Nagarik Suraksha Sanhita*, 2023 read with Section 27 of the PC Act. The provision of Section 438 deals with the calling of the records in the exercise of the revisional jurisdiction, wherein it is provided that the High Court or the Court of Sessions may call for and examine the record of any proceedings before any inferior criminal court situated within its or his local jurisdiction for the purpose of satisfying itself or himself as to the correctness, legality or propriety of any finding, sentence or order recorded or passed and as to the regularity of the proceedings of such inferior court.

10. Upon hearing the learned counsels, this court intend to narrow down its considerations to the propriety, correctness, legality of the finding of the sentence or order passed by the learned trial court. The learned Special Counsel has urged and opposed this application on other grounds. However, considering the subject matter and the nature of dispute involved in the instant case, this Court intends to limit its scope of examination under the limit of jurisdiction as provided under Section 438 and 442 of the BNSS.

11. It is seen from the revision petition, which is not denied by the learned Special Counsel for CBI, that charge was framed against the Accused for 4 (four) offences, i.e. under Section 120-B/420/468/471 IPC. The charge contained the particulars of date, details of the offense involved. However, the charge does not contain the plea of the Accused. It is, however noted in the Charge Form that the Accused had pleaded guilty. However, the remaining sentence "and claim to be tried" has not been erased. The Charge Form also bears the signature of the Revisionist.

12. It is *prime facie* clear that the plea have not been recorded in the Charge Form so as to enable the Court to draw a satisfaction that it was made voluntarily, freely, unambiguous and that the plea constitutes the ingredients of the offence for which charge is being framed.

13. It is an admitted position that the provision of Section 229 Cr.PC makes it clear that though there is no legal impediment on the part of the Court of Sessions to convict on his part a plea of guilt. Since no discretion

can be exercised by the court arbitrarily, the exercise of discretion to convict or not to convict an accused in his plea of guilt can also not be arbitrary and is in fact governed by the sound principles and precedents. It is an admitted position that under Section 229 Cr.PC, there is no specific mandate that the language used by the accused and the plea has to be recorded as nearly as possible in the language used by the accused. However, the duty remains with the Court to ensure the plea is voluntary and contain the ingredients of the offence.

14. Relying on the case of the coordinate bench of this Court in the case of ***State of Mizoram versus Ramengmawia*** (supra), while relying on the decision of the Apex Court in the case of State ***of Maharashtra vs. Sukhdev Singh*** reported in ***AIR 1992 SC 2000***, the hon'ble Apex Court had observed that Section 202 provides that if the accused pleads guilty, the Judge may record the plea and may in his discretion convict him thereon. The plain language of this provision shows that if the accused pleads guilty, the Judge has to record the plea and thereafter decide whether or not to convict the accused. The plea of guilt tantamount to an admission of all facts constituting the offence. It is, therefore essential that before accepting and acting on the plea, the Judge must feel satisfied that the accused admits facts or ingredients constituting the offense.

15. The hon'ble Court thereafter observed that it is absolutely clear that in law there is no absolute bar on the part of the Court of Sessions to convict an accused on his plea of guilt. But before the conviction of the accused is based entirely on his plea of guilt, the Court must take care to

ensure that the plea of the accused is voluntary, clear, unambiguous, and unqualified, that the accused understands the nature of the allegations made against him and admits them, and that the accused admits all facts which are necessary and essential to constitute the offense.

16. This court then turns on to the Order dated 22.09.2026. The said order was passed on the same day when charge sheet and charges were framed. Therefore it can be safely presumed that even without the record of the learned Trial Court, the Order dated 22.09.2026 convicting the Accused on his plea of guilt, which forms part of the record, would suffice this Court for the purpose of examining whether the plea was rightly recorded. It may also be noted that charge was framed on the same day and therefore, it can be safely presumed that there can be no other Order with regard to the framing of charge other than the Order Sheet of 22.09.2026 wherein the Revisionist has been convicted as a result of his plea of guilt.

17. Upon perusal of the Order dated 22.09.2026 it is seen that the Order has not contained the plea of the Accused. The Order only states that the charge was read over and explained to the Accused person and that he voluntarily pleaded guilty.

18. In the backdrop of the authorities cited by the learned counsel for the Revisionist, if the manner in which the charge was framed against the Accused is examined *prima facie* the same does not appear to be in consonance with the interpretation given by the Supreme Court as well as by our High Court. Through these Judgments it can be seen that the

record in the plea of an Accused is not a mere formality but a matter of substance intended to secure proper administration of justice. It is important that the plea would unambiguously contain the ingredient of the offence for which the Accused has been recorded to have pleaded guilty so that a conclusion can be drawn that the Accused understood the charge framed against him and that the plea as clearly and unambiguously constitute the ingredients of the offence. It is only under such circumstances that conviction may be recorded for the plea of guilt.

19. In the instant case, as already mentioned before the plea of the Accused is not recorded either in the charge form or in the daily order sheet and as such, it is not known whether the plea constitutes the ingredient of the offence so as to warrant conviction on the basis of the plea of the guilt.

20. In view of the above, without going into the other aspects of the matter, this Court it may be appropriate to interfere with the impugned Order dated 22.09.2026 by which the Revisionist has been convicted for the offence punishable U/s 120-B r/w Sections 420/468/471 IPC and sentenced to undergo S.I. For 3 (three) months with fine of Rs. 75,000/- (Rupees Seventy Five Thousand) and in default, to further undergo S.I. for one month. It is also noteworthy that the sentence upon conviction has to be passed for each of the offence separately.

21. Accordingly, the impugned Order dated 22.09.2026 is hereby set aside and quashed.

22. The matter is remanded back to the learned Trial Court for fresh

consideration from the stage of framing of charge. The parties/Accused shall appear before the Court of the learned Special Judge, CBI, Dimapur on 30.11.2026.

23. With the above Order, the revision petition stands disposed and allowed.

JUDGE

Comparing Assistant