

22.06.2026
Item No.5 & 6.
Ct. No. 34
nb

CRR 281 of 2024
With
IA No. CRAN 1 of 2024
+
CRAN 2 of 2025

In the matter of: **Ashok Agarwal @ Ashok Kumar Agarwal.**

..... petitioner.

With
CRR 288 of 2024
+
CRAN 1 of 2024

In the matter of : **Ashok Agarwal @ Ashok Kuamr Agarwal.**

Mr. Mrityunjoy Chatterjee,
Mrs. Suchismita Chakraborty,
Mr. Debarnab Adhikary,
....For the Petitioner.

1. A report has been submitted on behalf of the Registrar General dated June 19, 2026 along with report that was called for from the concerned Court and the detention certificate with the report furnished by the Superintendent Dum Dum Central Correctional Home.
2. On careful perusal of the materials on record and the report submitted by the learned Judicial Magistrate, 2nd Court, Barasat dated 17.6.2026 coupled with the report submitted by the Superintendent, Dum Dum Central Correctional Home dated 16.6.2026 followed by the detention certificate issued in respect

of the present petitioner in both the revisional application, it is apparent that the concerned accused defaulted in payment of quantum fine in accordance with the judgment and order of sentence and he was further directed to suffer sentence for period of two months, which he has been suffered and the report suggests that he suffered beyond he period of sentence of two months behind the bar. Subsequently, he was released on bail from the custody of the Dumdum Correctional Home on August 30, 2023 by virtue of order passed by learned ACJM, Barracpore. The report furnished by the learned Court suggest that vide order dated 20.2.2025 the bail condition was received and the dues of two of the employees could not be cleared as they were reluctant to receive the amount. Direction was given to deposit the amount before the learned Trial Court which he did not comply and did not appear before the Court and hence order passed for his appearance. The proceeding pending that was closed. Therefore, the present revisional application, which was emanated from the said order of conviction followed by the averment order by the learned Appellate Court has become non est or infrustuous in the eye of law.

3. Therefore it is apparent that the present petitioner has suffered the sentence in terms of the order of conviction, which was passed against him after he defaulted in paying fine amount within time and released on bail from the custody after spending more than the period as ordered against him in the year 2023

pursuant to the order of release second time the convict was released on bail by the court of Judicial Magistrate, 2nd Court, 24 Parganas(North) on 4.5.2024.

4. The detention certificate are in connection with C. Case No.593/12 and C 602 of 2012 and he spent total period of 4 months 8 days as sentence due to defect in complying with the judgment and order of conviction passed in the above mentioned case. Therefore there is no reason to take him behind bar or to allow the proceeding in view of the period he spent behind the bar. More so the learned Court has no jurisdiction do issue warrant for realisation of fine amount as he suffered the sentence for not paying the fine.

5. Hence, no cause is there to allow the present revisional applications being CRR 281 of 2024 and CRR 288 of 2024 to be pending further and hence stands disposed of being infructuous.

6. The learned Court must act in accordance with law having no further authority to direct him to appear before the Court.

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

(CHAITALI CHATTERJEE (DAS), J.)