

5.1.2026
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CRR 5411 of 2025

Ashim Roy
Vs.
The State of West Bengal

Mr. Debapriya Gupta
Ms. Sucharita Biswas

...for the Petitioner

This is an application wherein the petitioners is aggrieved by the order dated 5.12.2025 passed by the learned Additional Chief Judicial Magistrate, Alipore in ACGR 6943 of 2025.

The petitioner's contention is that he lodged the complaint alleging that the accused person has categorically assured him that he will arrange for immigration documents as per agreed terms and conditions, which he has failed to do. Such conduct ipso facto shows that he has a criminal intention at the inception to commit criminal breach of trust. Furthermore, whenever he requested to him to refund the said money, he has threatened him with dire consequences coupled with threat to life and property.

Being apprehensive that the accused may abscond and leave India, the petitioner made a prayer before the court below on 5th December, 2025 with a prayer for a direction upon the concerned Investigating officer to seize passport of the accused person, as pleaded in paragraphs 11 and 12 of the application and upon seizure thereof to impound the same. The petitioner on the same day, also filed another application with a prayer

for issuance a non-bailable warrant of arrest in the name of the accused directing the concerned Investigating Officer to arrest the accused person.

Learned court below by the impugned order did not dispose of such application, on the contrary, he called for a report from the Investigating Agency, fixing 21st January, 2026 as the next date.

Having heard learned counsel for the petitioner, the instant application being CRR 5411 of 2025 is hereby disposed of with a direction upon the court below to dispose of the petitioner above-mentioned two applications dated 5th December, 2025 on 21st January, 2026 or within a week thereafter without being influenced by any observations made herein.

This order is passed invoking this court's jurisdiction under Section 529 of the BNSS.

Urgent Photostat certified copy of this order, duly applied for, be given to the parties upon compliance of all requisite formalities.

(Dr. Ajoy Kumar Mukherjee, J.)