

Spl ACB Case No.13 of 2019
Filing No.583 of 2017
CNR No.- WBCS01-000583-2017

Order No.30

Dated 21.06.2025

Today is fixed for order on two petitions dated 12.02.2025 and 21.03.2025 filed on behalf of the accused Manik Sarkar and further evidence of PW 1.

The accused Manik Sarkar is present by filing hazira.

PW 1 Subhas Bhowmick is also present.

At this stage, a petition has been filed on behalf of the accused praying for adjournment of further proceeding of this case till disposal of the revisional application.

Heard the Ld. Advocate for the accused and the Ld. P.P.

It appears that criminal revisional application being CRR 4748 of 2023 was filed by the accused before the Hon'ble High Court at Calcutta praying for quashing of the instant criminal proceeding. It is stated that by order dated 11.12.2024 the interim order was extended by the Hon'ble Court staying further proceeding of this case till 31.03.2025. By assignment order dated 09.06.2025 of the Hon'ble Chief Justice the said revisional application has been assigned before Hon'ble Justice Suvra Ghosh.

In the facts and circumstances of the case, I find it would be appropriate to grant some time to the revisionist to bring necessary stay order from the Hon'ble High Court, Calcutta.

The witness is discharged accordingly.

Record is now taken up for order on the two petitions dated 12.02.2025 and 21.03.2025.

In the petition dated 12.02.2025, the accused prays for necessary direction upon the ACB officials to cancel the jimmanama dated 21.11.2019 and make a further endorsement in the Service Book and Acquittance Roll of Smt. Shipra Majumder that the same has been released from seizure in compliance with the Court's order.

It appears that by order dated 05.02.2025 passed by this Court the I.O. was directed to return the Service Book related documents of the wife of the accused seized in connection with this case. It is submitted that unless such endorsement is made the Service Book and Acquittance Roll cannot be updated and sent to the Controlling Authority for approval and disbursement of pension and other retire al benefits of the petitioner's wife.

It appears that the original Service Book and Acquittance Roll of Shipra Majumder seized in connection with this case by the I.O. was kept in the custody by the then Head Mistress of Sunitibala Sadar Girls' High School, Jalpaiguri on her execution of a jimmanama. It is contended that an endorsement was made in the Service Book and the same has been seized. It is submitted that Smt. Shipra Majumder is due to retire on 31.10.2025. This fact was communicated to the I.O. by the Head Mistress, Sunitibala Sadar Girls' High School, Jalpaiguri by her letter dated 08.02.2025 with a further request to make necessary endorsement in the Service Book and other related documents and cancel the jimmanama of her predecessor in office.

After due consideration, it appears that to avoid complication in processing the retire al benefits of the petitioner's wife, the I.O. should make necessary endorsement in the Service Book and Acquittance Roll of Smt. Shipra Majumder that those were released from seizure in compliance with this Court's order after cancelling the jimmanama executed by the then Head Mistress so that it can be updated and sent to the Pension Disbursing Authority. Accordingly, the instant petition is allowed.

The I.O. is directed to make necessary endorsement in the Service Book and Acquittance Roll of Smt. Shipra Majumder that those were released from seizure in compliance with this Court's order after cancelling the jimmanama executed by the then Head Mistress within one month and submit a compliance report before this Court on the next date fixed.

In the petition dated 21.03.2025, the accused has sought for the necessary direction upon the I.O. to release the balance documents and articles including two mobile phones, original I D Card, cash amounting to Rs.2,68,585/- etc. as mentioned in serial No.5(v) to (XV) of the seizure list No. A which were not relied upon in the Trap Case. It is stated that in compliance with the Court's order dated 12.02.2025 the I.O. had released all articles and documents involved in seizure list No. B, C, D, E, F, G, H, I except the articles and documents in seizure list No. A.

Perused the case record. It appears that on 12.02.2025 the petition u/s 451 of Cr.P.C. filed by the accused was allowed and the I.O. was directed to return all the seized alamats in connection with this case which were not relied upon by the prosecution. No written objection has been filed against the instant petition disputing the claim that the I.O. did not return the seized alamats in respect of seizure list No. A including two mobile phones, original I D Card, cash amounting to Rs.2,68,585/- etc. It is also not disputed that these alamats are not relied upon by the prosecution. Such being the position, I find no impediment to allow the instant petition.

Accordingly, the I.O. is directed to release and return the balance un-relied upon articles and documents as mentioned in the petition, to the petitioner in strict compliance with this Court's order dated 12.02.2025 positively within one month after following the procedure as laid down in the ordering portion of order dated 12.02.2025 and submit a compliance report before this Court on the next date fixed.

Let a copy of this order be sent to the I.O. for strict compliance.

Fix **02.08.2025** for bringing stay order from the Hon'ble High Court, Calcutta and compliance report by the I.O.

Dictated & corrected by me.

Judge, Bench – II,
City Sessions Court,
Calcutta.
J.O. Code No. WB00868

Judge, Bench – II,
City Sessions Court,
Calcutta.
J.O. Code No. WB00868