

**Special 19/2024**  
**CNR no.WBHG01-002673-2024**

**Order no.06 dt. 13.09.2024**

Instant case record is placed before me for passing necessary order in pursuance of bail cancellation petition filed before the learned ACJM, Chandernagore on behalf of the defacto complainant dated 06.05.2024 and another petition filed on behalf of the accused Ratan Kumar Chatterjee seeking relaxation of bail condition.

Learned Advocate for the accused person as above, learned Additional P.P and the learned Advocate for the defacto complainant were present at the time of hearing.

Both sides put forward their rival submissions including the complainant.

The learned Advocate for the accused first submitted that the learned court may be pleased to grant relaxation of the condition vide condition no.1 & 5 as per the order and direction of the learned ACJM, Chandernagore vide order dated 06.05.24. This has become extreme hardship for the accused petitioner to comply these two conditions. Necessary order may be passed and render proper justice to him.

The learned Additional P.P and the learned Advocate for the defacto complainant pressed to first dispose of the bail cancellation petition.

This petition shall be disposed of subsequently after the disposal of the bail cancellation petition.

Now, let us dispose of the bail cancellation petition dated 06.05.2024.

The learned Additional P.P submitted that the learned ACJM, Chandernagore had erred in law by granting bail in favour of the accused Ratan Kumar Chatterjee, inspite of the fact that the learned court was not vested with the jurisdiction to deal with the bail application. My attention has been drawn to the fact that on 06.05.2024 itself the I.O of the case had submitted a prayer for adding section 419/467/**409** IPC. The learned court overlooked the materials u/s 409 IPC lying in the CD with reference to his role u/s 409 IPC and allowed the bail prayer in favour of the accused. The learned Additional P.P. submitted that the bail granted in favour of the accused Ratan Kumar Chatterjee should be cancelled therefore.

The learned Advocate for the defacto complainant accentuated the same which the learned Additional P.P argued.

He referred page no.408-409, paragraph 12 from the book 'Bail – Law And Practice' by M.R. Mallick, Eastern Law House 1990 Edition. He also referred the case decision reported in Dolat Ram & Ors. Vs State of Haryana, (1995)1 SCC 349 & G.S. Raghav Vs State of U.P. & Anr., Criminal Misc. Bail Application no.48/2020 dated 13.02.2024.

The learned Advocate for the accused Ratan Kumar Chatterjee submitted that there is no scope and basis to cancel the bail of the accused. The learned ACJM, Chandernagore after considering all corners and on careful perusal of the CD, has granted the bail in favour of the accused. The bail order dated 06.05.2024 cannot be

said to have been passed without jurisdiction by the learned Magistrate. The contention made by the learned Additional P.P and the learned Advocate for the defacto complainant is devoid of any merits and so, the petition should be rejected.

In order to deal with the bail cancellation petition dated 06.05.2024, I have first gone through the prayer of the I.O filed on the same date seeking necessary order from the learned ACJM, as found lying in the LCR. There is extreme detailing as to why the I.O wanted to add section 409/467/419 IPC to the existing penal sections. The learned Magistrate in the order dated 06.05.2024 had observed that the CD of the case was found updated only till 26.04.2024. Therefore, from 26.04.2024 to the date of passing of the order on 06.05.2024 was concededly not updated in the CD.

The learned Magistrate had overlooked the series of incriminating materials starting from page 1 to page 370 till dated 26.04.2024 in response to the allegations u/s 409 IPC against this accused petitioner. Accused was holding the post of Assistant Secretary of St. Thomas School and by fabricating several documents and by misusing his position made crores of rupees by forging alliance with the co-accused persons. This learned court is vested with the designated jurisdiction being Special Court for the offence within the jurisdiction of Chandernagore with reference to section 409 IPC. It is disturbing to learn that the learned court had entertained the bail prayer of this accused despite there was prayer from the I.O for adding inter alia section 409 IPC. The impugned order dated 06.05.2024 granting bail in favour of the accused Ratan Kumar Chatterjee is now held to be without jurisdiction.

In my humble view and consideration, the impugned order granting bail has to be recalled for the two reasons alone and those are that the learned court passed the impugned order without jurisdiction vested in it and secondly despite there being overwhelming materials u/s 409 IPC, the bail petition was considered.

With the above observation, the bail granted in favour of the accused Ratan Kumar Chatterjee is hereby cancelled.

The accused petitioner is therefore directed to surrender before this learned court. Surety on record for this accused is hereby directed to secure the presence of this accused for the purpose of his surrender before me.

Consequent thereupon, it is non est to pass any order in favour of the accused petitioner Ratan Kumar Chatterjee seeking relaxation of the bail conditions imposed.

Therefore, the relaxation petition is considered and rejected ex facie.

Both the petitions now stand disposed of in the manner as above.

To 11.11.2024 for surrender of the accused Ratan Kumar Chatterjee and appearance of the rest accused persons.

Dictated & corrected by me

Sd/-

Special Judge,  
1<sup>st</sup> Court, Chinsurah  
J.O Code no.WB00753

Sd/-

Special Judge,  
1<sup>st</sup> Court, Chinsurah.  
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