



CNR No. WBHG05-000521-2024

**IN THE COURT OF THE ADDITIONAL SESSIONS JUDGE,
FAST TRACK COURT, SERAMPORE.**

Present : **Sri Madhusudan Pal,**
(J.O. Code WB009258)
Additional Sessions Judge,
Fast Track Court, Serampore.

Date of filing : **19.03.2024**
Judgement Reserved on : **10.03.2026**
Date of Judgement : **12.03.2026**
Duration : **1 year 11 months 23 days**

Criminal Revision No. -60/ 2024
(CIS No. 60 of 2024)
CNR No. WBHG05-000521-2024

1. Pankaj Poria

.....Petitioner/ Revisionist

Represented by : Ld. Advocate Deb Dutta Bhattacharjee

-Versus-

1. The State of West Bengal

.....Opposite Partie.

Represented by : Ld. Advocate Sri Ashok Sen

J U D G M E N T

This is an application U/s 397/399 of Cr.P.C. filed by the Petitioner/revisionist being aggrieved and challenging the legality, validity, correctness and propriety of the order dated 21.02.2024 passed by the Ld. Additional Chief Judicial Magistrate, Serampore, Hooghly in connection with Serampore P.S. Case No.414 of 2019 dated 19.09.2019 u/s 420/468/471/120B/406/409 IPC.

Revisionist/petitioner submits that initially he was arrested in connection with this Serampore P.S. case No.414 of 2019 on 19.09.2019 and was taken into custody. Subsequently, on 27.12.2019 on an application u/s 439 Cr.P.C. filed before Ld. 2nd ADJ, Special Court, Chinsurah, Hooghly vide Criminal Misc. Case No.2763 of 2019 he was granted bail of Rs.5,000/- (Rupees five thousand) with two sureties of Rs.2,500/-

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(Rupees two thousand and five hundred) on condition that he will meet with the I.O once in a week till submission of charge sheet or until further order. Subsequently, charge sheet was submitted before Ld. A.C.J.M., Serampore, Hooghly vide charge sheet No.84 of 2020 dated 29.02.2020.

He would further add that even after passing bail order by Ld. 2nd ADJ (Special Court), Chinsurah, Hooghly he was shown in the lower Court record as if he was in judicial custody and on 28.06.2023 warrant of arrest was issued against him without issuing any notice to him after submission of charge sheet. He would also add that on 21.02.2024 he submitted one surrender application along with a put up application before Ld. A.C.J.M, Serampore, Hooghly but according to Revisionist/ Petitioner Ld. A.C.J.M, Serampore, Hooghly directed him to “Not press” as Section 409 of IPC was lying there. According to him he is seriously prejudiced by day to day order passed by Ld. A.C.J.M., Serampore Hooghly and hence this Revision. Record reveals that Revisionist/Petitioner has annexed copy of release order issued by Ld. Additional District & Sessions Judge, 2nd Court, Hooghly Sadar along with the reply of RTI to his Ld. Lawyer by Controller Serampore Correctional Home.

Ld. P.P.-in-charge who is representing the sole Respondent State of West Bengal in this case has also submitted that there are irregularities on the Trial Court Record. He has not opposed the case of the Revisionist/Petitioner.

Perused the Trial Court Record as is placed before this Court and the documents placed before this Court by the Revisionist/Petitioner including the reply dated 08.03.2024 under Memo No.278/RTI from Controller Serampore Subsidiary Correctional Home to RTI application by Ld. Advocate Abhisekh Chatterjee with reference to Serampore P.S case No.414 of 2019 dated 19.09.2019.

This Court finds that accused Pankaj Poria was initially arrested on 19.09.2019 from Sheoraphuly bus stand near Udayan Cinema and on 21.09.2019 Ld. A.C.J.M. Serampore rejecting his bail prayer remanded him to police custody till 25.09.2019 and thereafter again on 25.09.2019 he was remanded to further police custody for another six days and thereafter on 30.09.2019 he was remanded to Judicial custody rejecting his prayer for bail.

Record also reveals that thereafter more than once his bail prayers were rejected u/s 439 Cr.P.C. and lastly in Criminal Misc. Case No.2763 of 2019 vide order No.2 dated 20.12.2019 Ld. Additional District & Sessions Judge, 2nd Court, Hooghly Sadar,

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considered and allowed his prayer for bail u/s 439 Cr.P.C. in connection with Serampore P.S. Case No.414 of 2019 dated 19.09.2019 with order that he be released on bail on furnishing bail bond of Rs.5,000/-(Rupees five thousand) with two sureties of Rs.2,500/-(Rupees two thousand and five hundred) each subject to satisfaction of Ld. C.J.M, Chinsurah on condition to meet the I.O once in a week till submission of charge or till further whichever is earlier. The same was reflected in the Ld. A.C.J.M., Serampore Court Record vide order dated 27.12.2019 but not the bail bond concerned submitted before Ld. C.J.M., Hooghly.

Record reveals that subsequently charge sheet was submitted before Ld. A.C.J.M., Serampore, Hooghly against this accused along with others and vide order dated 28.06.2023 Ld. A.C.J.M, Serampore, Hooghly issued "PWA" against present Revisionist/accused.

Considering materials on record and provisions of law, this Court is of exclusive opinion that **u/s 87 Cr.P.C.** Ld. A.C.J.M., Serampore, Hooghly had ample power to directly issue Warrant of Arrest without issuing any summons or notice depending on facts, circumstances, gravity of offence. However, considering the fact that on 20.12.2019 Revisionist/Petitioner obtained bail from Ld. Additional District & Sessions Judge, 2nd Court, Hooghly Sadar and release order was apparently issued by that Ld. Court though the order sheet of Ld. A.C.J.M., Serampore, Hooghly does not reveal assembling of that bail bond being accepted by Ld. C.J.M., Hooghly and release order concerned on his record and order sheet, considering facts and circumstances of this case, this Court allows the revision petition on contest but in part.

The order of "PWA" passed against present Revisionist/Petitioner on 28.06.2023 by Ld. A.C.J.M, Serampore is set aside. Revisionsit/Petitioner is hereby directed to appear before Ld. A.C.J.M, Serampore and Ld. A.C.J.M., Serampore is to consider the same as per law afresh. He is also given liberty to press beofre Ld. A.C.J.M, Serampore regarding the alleged irregularities on the order sheet of Ld. A.C.J.M, Serampore. On record this Court does not find anything to hold that on 21.02.2024 Ld. A.C.J.M., Serampore directed Revisionist/Petitioner to not press his payer for bail.

Accordingly, this Revisional Application thus stands disposed on contest.

It is,

ORDERED

That the instant Criminal Revision being No.132 of 2019 be and the same stands disposed of being allowed on contest but in part. The order of "PWA" passed against

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present Revisionist/Petitioner on 28.06.2023 by Ld. A.C.J.M, Serampore is set aside. Revisionsit/Petitioner is hereby directed to appear before Ld. A.C.J.M, Serampore within thirty days from the date of passing of this order and Ld. A.C.J.M., Serampore is to consider the same as per law afresh.

Let a copy of this Judgement and Order be sent to the Ld. Additional Chief Judicial Magistrate, Serampore Hooghly for information along with Trial Court record.

The parties are at liberty to act on the server copy of this order.

Note in relevant Register.

Dic. & Corr. by me:

Additional Sessions Judge,
Fast track Court, Serampore.

Additional Sessions Judge,
Fast track Court, Serampore.