

**IN THE COURT OF ADDITIONAL SESSIONS JUDGE, 2ND COURT,
ULUBERIA, HOWRAH**

**Present : Atrayee Manna Chowdhury, of ASJ, 2nd Court, Uluberia, Howrah
(JO Code : WB 00848)**

S.T. No.52 /2022 (New S.T. No.45/2022)

CNR: WBHW09-000596-2022

Order no.12, dated 28.01.2026:

Today is fixed for hearing of the petition dated 20.01.2026.

Accused petitioner Chayan Samanta files hazira.

Ld. Advocate for the accused is present.

Ld. PP in charge files hazira.

Heard. Perused the previous orders and the materials placed on record.

It appears that by order no. 7 dated 08/12/2025 the accused-petitioner was directed to submit all relevant particulars relating to his claimed employment and police verification. Again, by order no. 8 dated 15/12/2025, upon finding the earlier compliance to be inadequate, he was directed to submit complete and relevant documents. The petitioner thereafter produced certain papers which, upon scrutiny, were found to be insufficient to establish either the genuineness of the claimed employment or the fact that no objection had been raised during police verification. In view of such non-compliance, and considering the pendency of serious criminal charges, the prayer made in the application dated 01/12/2025 was rejected by order no. 10 dated 06/01/2026.

The petitioner has now approached this Court with a fresh application stating that he is presently working as a security guard at "ATREYA Ship building Company", having initially been engaged in the capacity of a tack welder. He has asserted that owing to the pendency of the present criminal case, the Police Clearance Certificate has not been issued in his favour, and he, therefore, seeks an order of "no impediment" so that his police verification may be processed and the clearance certificate may be granted.

Along with the present application, the petitioner has produced a copy of an entry pass relating to his engagement, a copy of his application for Police Clearance Certificate, and certain documents concerning his academic qualification and his qualification as a diesel mechanic.

The Court is conscious that the pendency of a criminal case is a relevant circumstance for the authority conducting police verification. At the same time, mere pendency of a case does not, by itself, operate as a statutory bar to employment or to issuance of a Police Clearance Certificate. The object of police verification is to enable the competent authority to assess antecedents and suitability; it is not intended to

impose a blanket civil disability upon an under-trial.

In the present case, the petitioner has now placed materials indicating that he is engaged in gainful employment and that he has applied for police clearance. The earlier rejection was founded on non-compliance and insufficiency of documents. The present prayer is not for a declaration of innocence, nor for suppression of the pendency of the case, but for a limited direction that such pendency shall not, by itself, be treated as an impediment to the process of police verification.

Balancing the right of the petitioner to livelihood with the interest of justice and public safety, this Court is of the view that the ends of justice would be met by permitting the competent authority to proceed with police verification in accordance with law, without being fettered by the mere pendency of this case, while making it clear that this Court expresses no opinion on the merits of the criminal proceedings.

Accordingly, the application is allowed in part.

The competent authority dealing with Police Clearance Certificates is directed to process the petitioner's application for Police Clearance Certificate in accordance with law and on its own merits. The mere pendency of the present criminal case shall not be treated as an absolute impediment to such process. The authority shall be at liberty to take note of the pendency of the case as a factual circumstance, but shall not refuse to consider or process the application solely on that ground.

It is clarified that this order does not amount to any certification of the petitioner's character or antecedents, nor does it confer any immunity or advantage in the pending criminal case. The trial shall proceed independently and uninfluenced by this order.

The petitioner shall cooperate with the authority and furnish any further information or documents as may be required for completion of police verification.

To date (09.03.2026).

Dictated & corrected by me.

A.S.J. 2nd Court,
Uluberia, Howrah.

Additional Sessions Judge, 2nd Court,
Uluberia, Howrah.