

Criminal Appeal No.2/2026

Present : Karim-Ur-Reza (JO-WB00812)
Sessions Judge, Murshidabad (In-charge)

Order No.3 dated 13.03.2026

This day the case record is placed before this Court on the strength of Put-up petition, filed on behalf of the Appellant/petitioner.

Ld. Advocate for the appellant is present.

Ld. P.P., representing the O.P. No.2/ State, is present by filing hazira.

This day another application is filed for the appellant/petitioner, praying for suspension of sentence and granting of bail.

The case is taken up for hearing on the point of admission.

Perused the Memo of appeal and the certified copy of the Judgment and order dated 15.09.2025, passed by the Ld. Judicial Magistrate, 1st Court, Berhampore, Murshidabad in C.R. case No.722/2021 U/s.138 of N.I. Act.

Heard the Ld. Advocate appearing for the appellant/petitioner.

Considered.

It appears from the plain reading of the impugned Judgment and order that the appellant/petitioner has good ground for preferring the instant appeal.

This Criminal appeal has been filed within time.

Let the instant Criminal appeal be admitted.

Call for the T.C.R.

Issue notice upon the O.P. No.1 accordingly.

Requisites be filed at once.

The application for Stay, filed on behalf of the appellant/petitioner, being moved is taken up for hearing.

The Ld. Advocate appearing for the appellant/petitioner submitted that the Ld. Court below without proper adjudication of the materials has delivered the Judgment impugned.

Perused the certified copy of the impugned Judgment and order dated 15.09.2025, passed by the Ld. Judicial Magistrate, 1st Court, Berhampore, Murshidabad in C.R. case No.722/2021 U/s.138 of N.I. Act as well as the Memo of appeal and the application for stay.

Heard the Ld. Advocate for the appellant/petitioner as well as the Ld. P.P., Murshidabad.

Considered.

The application for stay, filed by the appellant/petitioner stands allowed.

The operation of the impugned Judgment and order dated 15.09.2025, passed by the Ld. Judicial Magistrate, 1st Court, Berhampore, Murshidabad in C.R. case No.722/2021 U/s.138 of N.I. Act is stayed until further order.

Now, the application for bail is taken up for hearing.

Heard both sides.

Perused the bail application and the Judgment and order dated 15.09.2025, passed by the Ld. Judicial Magistrate, 1st Court, Berhampore, Murshidabad in C.R. case No.722/2021 U/s.138 of N.I. Act.

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It appears that the instant appeal was filed on 23.02.2026 and the appellant/petitioner is in custody since his arrest on 10.03.2026 in execution of Warrant of Arrest, issued by the Trial Court on 07.01.2026 and his application for bail, moved before the Ld. Trial Court was turned down on 11.03.2026.

Considering the facts and circumstances of the case, I do not find any necessity of keeping the appellant/petitioner in custody for a further period of time.

Accordingly, prayer for bail stands allowed.

The present petitioner may find bail on furnishing bail bond of Rs.5,000/- with two sureties of Rs.2,500/- each, subject to the satisfaction of Ld. Chief Judicial Magistrate, Murshidabad.

Let a copy of this order be forwarded to the Ld. Chief Judicial Magistrate, Murshidabad for his information and taking necessary action.

Let another copy of this order be sent to the Ld. Judicial Magistrate, 1st Court, Berhampore, Murshidabad for information and taking necessary action.

Fix 23.04.2026 for S.R./A.D., appearance, T.C.R. and hearing the appeal.

Dictd. & Cortd.
by me.

S. J.

Sessions Judge, Murshidabad

Later Order dated 13.03.2026

Requisites have been filed by the appellant/revisionist.

Let the same be issued if found correct.

Dictd. & Cortd.
by me.

S. J.

Sessions Judge, Murshidabad