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**IN THE COURT OF ADDITIONAL SESSIONS JUDGE
RAGHUNATHPUR, PURULIA**

**Present : Sri Somak Das
Addl. Sessions Judge,
Raghunathpur, Purulia I/C**

**Criminal Revision No. 09/2026
CNR No. WBPU 05-000098-2026
J.O Code No.- WB00944**

U/S 397/399 of Cr.PC

State of West Bengal
(On behalf of the investigating officer SI Alope Chattaraj, Adra PS,
Purulia)

..... Revisionist.

: V E R S U S :

Rajib Kumar Thakur @ Rajib Kumar @ Nunu Thakur @ Nunu Bans
@ Mukhiyaji @ Pandit ji @ Mukul Sharma

..... Opposite party.

Sri Prabir Tewary
(Ld. Addl.P.P)

.....For Revisionist

Sri Bivas Sinha

..... For the accused

(Ld. Advocate appointed through SDLSC, Raghunathpur)

The judgment delivered on : 17th day of March, 2026

J U D G M E N T

In this criminal revision the orders dt. 27.01.2026 and 25.02.26 passed by Ld. ACJM, Raghunathpur Court, Raghunathpur in GR. Case no. 812/18 filed has been assailed by the revisionist/ petitioner.

The present revisional application has been filed by the State of West Bengal on behalf of the Investigating Officer of Adra Police Station, Purulia, being aggrieved by the orders dated 27.01.2026 and 25.02.2026 passed by the learned Additional Chief Judicial Magistrate, Raghunathpur in connection with G.R. Case No. 812/2018.

It is stated in the revisional application that the accused person in the said case was already lodged in judicial custody at Darbhanga Jail, Bihar in connection with another criminal case. During the course of investigation of the present case, the Investigating Officer prayed before the learned Magistrate for shown arrest of the accused in the present case.

On 27.01.2026 the accused was produced before the learned Magistrate through virtual mode from Darbhanga Jail and the prayer of the Investigating Officer for shown arrest in the present case was allowed by the learned Magistrate.

Subsequently, the Investigating Officer filed a prayer before the learned Court for police remand of the accused for the purpose of further investigation. However, by order dated 25.02.2026 the learned Magistrate rejected the prayer for police remand holding that the statutory period for such custody had already expired since the remand period was to be counted from the date of shown arrest, i.e., 27.01.2026.

Being aggrieved by the said orders, the State of West Bengal on behalf of the Investigating Officer has preferred the present revisional application challenging the legality and propriety of the aforesaid orders passed by the learned Magistrate.

The learned Additional Public Prosecutor appearing on behalf of the revisionist State of West Bengal submitted that the learned Trial Court did not properly appreciate the facts and circumstances of the case while passing the impugned orders dated 27.01.2026 and 25.02.2026.

It was contended that the accused was already in judicial custody at Darbhanga Jail, Bihar in connection with another case and, during investigation of the present case, the Investigating Officer prayed for shown arrest of the accused, which was allowed by the learned Magistrate on 27.01.2026 when the accused was produced through virtual mode.

It was further submitted that the Investigating Officer subsequently prayed for police remand of the accused for the purpose of effective investigation, but the learned Magistrate rejected the said prayer on the ground that the statutory period for police custody had already expired by counting the remand period from 27.01.2026.

The learned Additional Public Prosecutor argued that the learned Magistrate erred in calculating the remand period from the date of virtual production and shown arrest, and that such interpretation has seriously prejudiced the investigation. It was therefore prayed that the impugned orders be set aside and appropriate orders be passed in accordance with law.

The Investigating Officer, who was present on dock, submitted that the accused is an important person in the present case and his custodial interrogation is necessary for effective investigation and for collection of further evidence.

He stated that at the relevant time the accused was lodged in Darbhanga Jail, Bihar in connection with another case and, due to such situation, he was produced before the learned Court through virtual mode on 27.01.2026 when the prayer for shown arrest was made and allowed.

The Investigating Officer further submitted that thereafter steps were taken for production of the accused from the concerned jail but he failed to do that and therefore he prayed for remand of the accused, but the same was rejected by the learned Magistrate on the ground of expiry of the statutory period. He expressed that such rejection has caused difficulty in carrying forward the investigation in a proper manner.

He therefore prayed that appropriate orders be passed so that the Investigating Agency may be able to effectively interrogate the accused and complete the investigation in accordance with law.

The learned advocate appearing on behalf of the accused, being appointed through the Sub-Divisional Legal Services Committee, Raghunathpur, submitted that the orders passed by the learned Trial Court do not suffer from any illegality or irregularity warranting interference in revisional jurisdiction.

It was contended that the Investigating Officer himself prayed for shown arrest of the accused on 27.01.2026 and the said prayer was duly allowed by the learned Magistrate. At that time no objection was raised by the prosecution regarding the mode of production or the commencement of custody.

The learned advocate further submitted that once the accused was shown arrested and remanded on 27.01.2026, the period of custody under Section 167 of the Code of Criminal Procedure necessarily commenced from that date. The learned Magistrate rightly took into account the said period while considering the prayer for police remand.

It was also argued that the prayer for police remand was rightly rejected by the learned Magistrate as the permissible period for such custody had already expired, and no illegality has been committed by the Court below in refusing such prayer.

The learned advocate therefore submitted that the present revision is devoid of merit and is liable to be dismissed.

NOW THE POINT FOR CONSIDERATION:-

Whether orders dt. 27.01.2026 and 25.02.26 passed by Ld. ACJM, Raghunathpur Court, Raghunathpur in GR. Case no. 812/18 challenged by the petitioner/revisionist suffers from any illegality, impropriety or irregularity and whether any interference of this Court is required or not ?

DECISION WITH REASONS :-

The present revisional application has been filed by the State of West Bengal on behalf of the Investigating Officer of Adra Police Station, Purulia, challenging the legality and propriety of the orders

dated 27.01.2026 and 25.02.2026 passed by the learned Additional Chief Judicial Magistrate, Raghunathpur in connection with G.R. Case No. 812/2018. The impugned orders relate to the prayer of the Investigating Officer for shown arrest of the accused and the subsequent rejection of the prayer for police remand.

Upon careful perusal of the Lower Court Records, it appears that the accused was, at the relevant point of time, lodged in judicial custody at Darbhanga Jail, Bihar in connection with another criminal case pending in that State. During the course of investigation of the present case, the Investigating Officer took steps for showing the arrest of the accused in connection with the present G.R. case. So when these two requirements are fulfilled then there is no impediment to allow the shown arrest prayer by Id. Magistrate on virtual mode and there is no necessary for physical production of the accused for allowing the shown arrest prayer.

The records further reveal that on 27.01.2026 the accused was produced before the learned Magistrate through virtual mode from Darbhanga Jail. On that date the Investigating Officer filed a prayer before the learned Magistrate seeking permission for shown arrest of the accused in the present case. The learned Magistrate, upon considering the said prayer, allowed the same and permitted the shown arrest of the accused on that very date.

It is also evident from the records that the said prayer for shown arrest was made by the Investigating Officer himself and the same was allowed by the learned Magistrate in the presence of the prosecution. At that stage, no objection was raised by the Investigating Officer regarding the manner of production of the accused or regarding the propriety of allowing the prayer for shown arrest prior to the physical production of the accused before the Court.

Once the prayer for shown arrest was allowed on 27.01.2026, the custody of the accused in the present case commenced from that date. In terms of Section 167 of the Code of Criminal Procedure, the period of detention and remand in connection with the case is

ordinarily required to be computed from the date on which the accused is first produced before the Magistrate and remanded to custody in that particular case.

The record further shows that subsequently the Investigating Officer filed a prayer seeking police remand of the accused for the purpose of further investigation. The learned Magistrate considered the said prayer and, by order dated 25.02.2026, rejected the same after observing that the statutory period within which police custody could be granted had already expired if the remand period was counted from 27.01.2026, the date on which the accused was first shown arrested and produced before the Court in connection with the present case.

The reasoning adopted by the learned Magistrate reflects that the Court had taken into account the period of custody already undergone by the accused from the date of shown arrest and arrived at the conclusion that the permissible period for police custody under Section 167 CrPC had already lapsed. The learned Magistrate therefore declined to grant police remand on the ground that such custody cannot be authorized beyond the initial permissible period provided under the law.

It is well settled that the power of this Court while exercising revisional jurisdiction under Sections 397 and 399 of the Code of Criminal Procedure is limited to examining the legality, correctness and propriety of the impugned orders. Interference in revision is ordinarily warranted only when there is manifest illegality, jurisdictional error, or material irregularity in the exercise of judicial discretion by the subordinate court.

In the present case, it appears that the Investigating Officer himself initiated the process by seeking permission for shown arrest on 27.01.2026 and the said prayer was duly allowed by the learned Magistrate. At the relevant time no objection was raised by the Investigating Officer with regard to the commencement of custody from that date or regarding the manner of production of the accused.

Having accepted the said order and acted upon it at the relevant stage, the Investigating Agency cannot subsequently challenge the same procedure in revisional jurisdiction merely because the computation of the remand period has later operated to their disadvantage while considering the prayer for police custody.

This Court does not find any material irregularity, illegality or jurisdictional error in the manner in which the learned Magistrate appreciated the legal position while passing the orders dated 27.01.2026 and 25.02.2026. The reasoning adopted by the learned Court below appears to be consistent with the scheme of Section 167 of the Code of Criminal Procedure governing remand and police custody.

Accordingly, this Court is of the considered view that the impugned orders passed by the learned Additional Chief Judicial Magistrate, Raghunathpur do not suffer from any legal infirmity warranting interference in exercise of revisional jurisdiction.

Criminal revision thus fails to succeed.

C.F. paid is found correct.

Accordingly, it is,

O R D E R E D

that the Criminal revision no. 09/2026 be and same is dismissed on contest but without any cost. The impugned orders dt. 27.01.26 and 25.02.26 passed by Ld. ACJM, Raghunathpur Court in GR. Case no. 812/18 filed are hereby affirmed.

Let a copy of this Judgment along with the TCR be sent to the concerned Court of Ld. ACJM, Raghunathpur for information.

Sd/-

Additional Sessions Judge

Raghunathpur, Purulia