

West Bengal Form No. 3386
High Court Criminal Form No.(M) 17

**HEADING OF JUDGMENT OF APPELLATE COURT
COURT OF SESSIONS/MAGISTRATE, APPELLATE JURISDICTION.**

CRIMINAL REVISION No.22 of 2025.

C. I. S. No.79/2025.

C. N. R No. WBS07 03338 2025.

Revisional application assailing the order dated 12.11.2025 passed by Ld. Additional Chief Judicial Magistrate, Sealdah in connection with N.I. Act Case no.69/2021.

1. Himesh Shaw

.....Revisionist/Petitioner.

Vs.

1. The State of West Bengal and

2. Rakesh Gupta

.....Respondents/Opposite Parties.

Heard arguments on 20.02.2026

in presence of

Safdar Azam

.....Ld. Advocate for the Revisionist.

And

Sri Subrata Ghatak

.....Ld. Advocate for the OP No.2.

Date of delivery of Judgement :- 05.03.2026.

Present : Parna Bhattacharya
Additional Sessions Judge,
Fast Track 2nd Court, Sealdah,
JO Code WB01015.

Being aggrieved and dissatisfied with the order dated 12.11.2025 passed in N. I. Act Case No.69/2021 by Ld. A.C.J.M, Sealdah the following revision has been preferred on the following grounds:-

1. That Ld. Magistrate failed to appreciate the judicial discretion.

2. Ld. Magistrate accepted the Show Cause of the complainant without granting any opportunity of hearing to the accused and violated the principles of natural justice without

taking into account the written objection as filed by the accused person.

3. That the impugned order is otherwise is bad in law and liable to be set aside.

POINTS FOR CONSIDERATION:

Whether Order dated 12.11.2025 as passed by Ld. A.C.J.M, Sealdah passed in NI Act Case No.69/2021 is erroneous and liable to be set aside.

Heard Ld. Advocate on behalf of the revisionist.

DECISION WITH REASONS:

Before taking a dip regarding the merits of the Revision it is pertinent to point out that according to statutory mandate as delineated u/sec.397 of Cr.P.C any Sessions Judge may call for an examined the record of any proceeding before any inferior Criminal Court situate within its local jurisdiction for the purpose of satisfying itself as to correctness, legality or propriety of any order passed as envisaged in sub-section (1) of Sec.397 of Cr.P.C. However, sub-section 2 of Sec.397 postulates that the powers of revision as conferred by sub-section (1) shall not be exercised in relation to any interlocutory order passed in trial or other proceeding.

Hon'ble Apex Court in **Girish Kumar Suneja Vs. Central Bureau of Investigation (2018) 1 SCC (Cri.) 202** prefers the expression 'intermediate order' since back brings out the nature of the order more explicitly.

In **Madhu Limaya Vs. State of Maharashtra (1977) 4 SCC 551** Hon'ble Apex Court was pleased to lay down the principle that an intermediate order is one which is interlocutory in nature but when reversed it has the effect of terminating the proceedings and thereby resulting in a final order. Moreover, it is also well

settled legal proposition that the revisional power can only be exercised to correct manifest error of law or procedure which occasion injustice, if not corrected.

In **Chandra Babu @ Moses Vs. State** it was held by Hon'ble Apex Court that the jurisdiction of revisional court is only to satisfy itself of the legality, propriety and correctness of any finding or irregularity of any proceedings of the lower courts. Interference with the orders of lower court is warranted only if findings in such orders are improper and contrary to the materials on record. The whole purpose of revisional jurisdiction is to pressure the power in the court to do justice in accordance with the principles of criminal jurisprudence.

Coming to the case in hand the complainant as initiated this case against the accused U/Sec.138 of N.I. Act and on 01.03.2019 and the case was matured for examination of accused U/Sec.313 of Cr.P.C.

On perusal of the Trial Court record it appears that on 28.07.2025 Ld. ACJM, Sealdah has issued a Show Cause upon the complainant, as the complainant on that day was absent without steps and none appeared on behalf of the complainant on call. On 13.08.2025, the very next day of the hearing of the case being No.NI-69/2019, the complainant filed his Show Cause and ultimately vide Order dated 12.11.2025, the Ld. ACJM, Sealdah accepted the Show Cause.

It is the prevalent practice that as a caution Show Cause issued against any party, who does not take steps on the date fixed for hearing of the case and it is absolute discretion of the Court whether to accept or reject the said Show Cause application. Except the party against whom the Show Cause is issued, none of the parties have anything to say regarding acceptance or rejection of Show Cause as it is absolute prerogative of the Court. From the

close scrutiny of the order dated 12.11.25 as I find the Show Cause has been duly accepted by the Ld. ACJM, Sealdah and the accused has nothing to say in this regard, as there is no question of causing prejudice to him by mere acceptance of Show Cause. Thus, I do not find, any sufficient cause to interfere with the order as passed by the Ld. ACJM, Sealdah.

Accused henceforth is directed not to adopt such dilatory tactics in future course of proceedings.

In light of above initiated discussion, hence it is,

Ordered

that the Criminal Revision being and the same is dismissed on its merits.

The Order dated 12.11.2025 as passed in NI Act Case no.69/2021 by Ld. A.C.J.M, Sealdah is hereby affirmed.

There is no order as to costs.

Let the original case record be sent to Ld. A.C.J.M, Sealdah for information.

Dic. & cor. by me:

Additional Sessions Judge,
Fast Track, 2nd Court, Sealdah.

Addl. Sess. Judge.
Fast Track, 2nd Court, Sealdah