

**BEFORE**  
**HON'BLE MR. JUSTICE S.R. SEN**  
**CrI. Rev.P.(SH) No. 36 of 2013**

**25.04.13**

Heard Mr. AS Siddiqui, the learned counsel for the petitioner who submits that he had filed a petition under Section 127 CrPC for enhancement of maintenance allowance from Rs. 5,000/- to Rs. 20,000/- on the ground of escalation of prices of commodities in the market.

The Learned Judicial Magistrate without giving any opportunity just rejected the application on the ground that no evidence has been placed before the Court.

I have perused the impugned order dated 27.02.13 in C.R. Case No. 948 (s) 2011; and on perusal of the said order, I find that the order is a stereo type order and has failed to meet the ends of justice. It is an un-disputed fact that the cost of living is increasing day by day and in my opinion, all prudent man will agree with me. Therefore, I am of the view that this petition can be disposed of at this motion stage itself.

Hence, the matter is hereby remanded back to the concerned Court with a direction to appreciate the law in its proper context and to apply judicial mind and to pass necessary order. If the Learned Judicial Magistrate insists on evidence about the changes of the cost of living, he is at liberty to take evidence. The petitioner counsel will cooperate by calling certain persons from the society who acquainted with the escalation of prices in the market. The learned counsel must remember that Section 125 CrPC is welfare legislation.

With these observations and directions, the matter is hereby remanded back to the concerned Court and to dispose of the matter within 2(two) months from the date of this order.

Accordingly, the impugned order dated 27.02.13 is hereby set aside and the matter stands disposed of.

JUDGE

V. Lyndem.

**BEFORE**  
**HON'BLE MR. JUSTICE S.R. SEN**  
**WP(Crl) (SH) No. 7 of 2012**

**25.04.13**

Heard Mr. H. Abraham, the learned counsel for the petitioner as well as Mr. S. Sen Gupta, the learned state counsel who submits that he is yet to file the counter affidavit and prayed for 3(three) weeks' time.

The learned counsel for the petitioner submits that in spite of so many days, the state failed to file counter affidavit.

After considering the submissions advance by the learned counsel, the state is given 3(three) weeks' time for filling of the counter affidavit as last chance.

None appears for Union of India.

List this matter on 15.05.13.

JUDGE

V. Lyndem.

**BEFORE  
HON'BLE MR. JUSTICE S.R. SEN  
WP(Crl) (SH) No. 8 of 2012**

**25.04.13**

None appears for the petitioner.

Mr. S Sen Gupta, the learned state counsel prayed for 4(four) weeks' time for filing of counter affidavit.

Prayer is allowed.

List this matter on 23.05.13.

JUDGE

V. Lyndem.

**BEFORE**  
**HON'BLE MR. JUSTICE S.R. SEN**  
**AB(SH) No. 37 of 2013**

**25.04.13**

Heard Ms. P Bhattacharjee, the learned counsel for the accused/petitioner who submits that false complaint has been registered as Sadar P.S. Case No. 87 (3) 13 U/S 419/468/474 IPC against the accused/petitioner, though the accused/petitioner has no intention or indulged in any kind of such activities. She is of the apprehension that she may be arrested by the police on the strength of the FIR dated 30.03.13, so pre-arrest bail may be granted.

CD produced before me.

Mr. S Sen Gupta, the learned Addl. PP is present in the Court who submits that statements recorded are contradictory to each other, so the Court may pass necessary order as deem fit and proper.

I have perused the CD and on perusal of the CD, I could not satisfy myself why pre-arrest bail should not be granted as prayed for. Further, if pre-arrest bail is granted, I could not satisfy myself that investigation will be hampered.

Accordingly, the accused/petitioner is allowed to go on pre-arrest bail with a sum of Rs. 30,000/- and one surety of the like amount on the following conditions.

- i) The Accused/petitioner shall appear before the IO concerned regularly for 1(one) week w.e.f. 26.04.13 for the purpose of investigation, thereafter to appear before the IO as and when necessary.
- ii) The Accused/petitioner shall not tamper with any evidence or interfere with the investigation and to appear before the Court as and when necessary for trial.

With these observations and directions, this instant bail application is allowed and stands disposed of.

The Addl. PP is directed to send down back the CD to the IO concerned.

JUDGE

V. Lyndem.

**BEFORE**  
**HON'BLE MR. JUSTICE S.R. SEN**  
**AB(SH) No. 38 of 2013**

**25.04.13**

Heard Ms. SG Momin, the learned counsel for the petitioner who submits that the FIR does not indicate the involvement of the petitioner/accused. The police lodged an FIR and as a result, they are of the apprehension that they may be arrested at any point of time without any rhyme or reason, so pre-arrest bail may be granted at any condition and ready to face the trial.

Mr. S Sen Gupta, the Addl. PP submits that the matter is serious and produced the CD.

I have perused the CD and from the CD it appears that as many as 17(seventeen) witnesses were examined till date by the investigating agency. On going through the statements of the witnesses examined so far, I find that there are prima facie matter in the instant case. Hence, I could not satisfy myself that if bail is granted, investigation will not be hampered.

On the other hand, it will be proper to note that in such cases, if bail is granted, chaos may cause in the society and the judicial system may be shaken. Hence, bail is hereby rejected and the matter stands disposed of.

The Addl. PP is directed to send down back the CD to the IO concerned along with copy of this order.

JUDGE

V. Lyndem.

**BEFORE  
HON'BLE MR. JUSTICE S.R. SEN  
Crl.Rev.P.(SH) No. 15 of 2013**

**25.04.13**

List this matter on 29.04.13 as prayed for by Ms. SG. Momin, the learned counsel for the petitioner.

JUDGE

V. Lyndem.

**BEFORE**  
**HON'BLE MR. JUSTICE S.R. SEN**  
**Crl.Rev.P.(SH) No. 16 of 2012**

**25.04.13**

Heard Mr. P Das, the learned counsel who submits that Mr. S Chakravarty, the leading counsel could not appear before the Court due to ill health of his mother. The ailing mother may need to shift outside the state for treatment and prayed that the matter may be fixed on 16.05.13 to which the learned counsel for the petitioner has no objection.

List this matter accordingly on 16.05.13.

JUDGE

V. Lyndem.

**BEFORE**  
**HON'BLE MR. JUSTICE S.R. SEN**  
**Crl. Petn.(SH) No. 64 of 2012**

**25.04.13**

Heard Mr. L. Byrsat, the learned counsel for the petitioner who submits that he has received a copy of the counter affidavit from the opposite today only and he needs at least 2(two) weeks' time to file rejoinder.

Prayer is allowed.

List this matter on 9.05.13.

JUDGE

V. Lyndem.

**BEFORE**  
**HON'BLE MR. JUSTICE S.R. SEN**  
**CrI. Petn.(SH) No. 65 of 2012**

**25.04.13**

Heard Mr. L. Byrsat, the learned counsel for the petitioner who submits that he has received a copy of the counter affidavit from the opposite today only and he needs at least 2(two) weeks' time to file rejoinder.

Prayer is allowed.

List this matter on 9.05.13.

JUDGE

V. Lyndem.

