

CRR 2626 of 2017

Dr. Manas Kumar Banerjee
Vs.
Alauddin Mondal @ Ala & Anr.

Mr. P. Karan Singh

... ... for the State

1. When the matter is called on for hearing, there is a conspicuous absence on behalf of the petitioner, with no representation being put forth to advance the cause.
2. Pursuant to the directions contained in the order dated 27th November, 2024, the department duly served an administrative notice upon the petitioner. Despite such proper and effective service, the petitioner has voluntarily and deliberately opted to stay away from these proceedings.
3. The persistent and deliberate absence of the petitioner leaves no manner of doubt that he has completely abandoned any genuine intent to prosecute this litigation. It is a cardinal principle of the administration of criminal justice that criminal proceedings and revisional remedies cannot be permitted to remain in a state of perpetual limbo through the strategic and deliberate default of a litigant. The right to speedy justice and the expeditious culmination of judicial proceedings are integral facets of the rule of law. A party cannot invoke the extraordinary jurisdiction of this Court, secure an initial breathing space, and thereafter go into hibernation to frustrate the course of justice. Such systemic abuse of the judicial process must be firmly deprecated. Accordingly, this

Court proceeds to examine and evaluate the merits of the challenge based on the materials available on record.

4. The petitioner has preferred this revisional application under Section 401 read with Section 482 of the Code of Criminal Procedure, 1973, challenging the order dated 9th March, 2017, passed by the learned Additional Chief Judicial Magistrate at Alipore in connection with Nodakhali P.S. Case No. 14 of 2016 under Sections 448/325/307/506/34 of the Indian Penal Code, 1860, whereby the learned Magistrate rejected the application filed by the investigating officer seeking cancellation of bail granted to the accused.
5. I have meticulously perused the impugned order and comprehensively evaluated the factual matrix, case records, and legal principles governing the cancellation of bail. It is trite law that the considerations for grant of bail and those for its cancellation operate on entirely different planes. Once bail is granted to an accused by a competent court, the liberty so granted cannot be lightly interfered with or revoked unless supervening circumstances are established, such as gross misuse of the freedom of liberty, tampering with the course of investigation, threatening witnesses, or that the original order was rendered perversely in total disregard of settled legal principles.
6. A plain reading of the impugned order reveals that the learned Trial Court has applied its judicial mind to the facts at hand and passed a well-reasoned order refusing to endorse the prayer for cancellation of bail. The investigating officer failed to make out any cogent or overwhelming ground demonstrating supervening

misuse of liberty or breach of bail conditions by the accused. The learned Magistrate rightly observed that mere allegations, absent concrete material or grave supervening circumstances, do not warrant the extreme step of curtailing personal liberty by cancelling bail.

7. Upon a thorough appraisal, this Court fails to detect any patent irregularity, palpable illegality, jurisdictional error, or perversity in the impugned order that would shock the judicial conscience or warrant the invocation of our revisional jurisdiction. When the challenge lacks substance on merits and the petitioner demonstrates a total lack of bona fides by abandoning the proceedings, equity and law both dictate that the judicial clock cannot be turned back to reward indolence or an unjustified attempt to jeopardize personal liberty.
8. In view of the aforesaid comprehensive discussions and overarching reasons, the instant revisional application, being **C.R.R. No. 2626 of 2017**, is hereby **dismissed**.
9. Any interim order, if subsisting, stands vacated.
10. There is no order as to costs.
11. Photostat copy of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Uday Kumar, J.)