

CRR 136 of 2020
with
CRAN 1169 of 2020

In the matter of : Amit Modi

.....Petitioner

Mr. Rajdeep Majumder
Mr. Dipankar Saha

...for the petitioner

Md. Anwar Hossain
Ms. Sreyashee Biswas

...for the State

In Re: CRAN 1169 of 2020

The present revisional application has been preferred under the Section 482 of the Code of Criminal Procedure with a prayer to relax the condition for granting stay of execution of warrant of arrest issued by the learned 2nd Judicial Magistrate, Diamond Harbour, South 24 Parganas vide order dated 26.2.2019 in G.R. case no. 2550 of 2019 arising out of Ramnagar Police Station case no. 188 of 2016 dated 30.6.2016 wherein his lordship the Hon'ble Justice Tirthankar Ghosh allowing the petitioner to continue on the same bail and bond subject to the petitioner surrendering before the learned 2nd Judicial Magistrate, Diamond Harbour, South 24 Parganas before 14.2.2020 and also with a condition that he will meet the Officer-in-charge, Diamond Harbour once in a week until further orders and get the same acknowledged from the office of the learned 2nd Judicial Magistrate, Diamond Harbour, South 24 Parganas till further order.

Learned advocate for the petitioner submits that investigation has already been ended in charge sheet and the charge sheet was submitted on 31st July, 2016. Therefore there appears to be no necessity to meet the investigating officer once in a week. Accordingly he prayed for waiving the aforesaid condition in view of the present circumstances of the case.

Learned advocate for the State submits that the State has no objection if the condition imposed in connection with order dated 15.1.2020 is waived since the investigation has already been concluded and the matter is pending for framing of charge, however he prayed for necessary direction upon accused to secure his attendance during trial.

Having considered the facts of the case and in view of the fact that the investigation has already been ended in charge sheet the condition imposed vide order dated 15.1.2020 to meet the Officer-in-charge, Diamond Harbour police station once in a week until further orders, is hereby quashed, on condition that accused will remain present during trial except on the ground of unavoidable circumstances,

Accordingly, CRAN 1169 of 2020 is disposed of.

Urgent photostat certified copy of this order, duly applied for, be given to the parties upon compliance of all requisite formalities.

(Ajoy Kumar Mukherjee, J.)