

14.12.2020

Sl. No.44.

Srimanta/Mithun

D/L

**IA No. CRAN/2/2020 (Old No: CRAN/1176/2020)
in
CRA/476/2019
(Via Video Conference)**

In the matter of : Aijul @ Aijul Sk.

... Appellant.

Ms. Shabana Hasin, Adv.,
Mr. M. Hossain

... for the Appellant.

Mr. Ranabir Roychowdhury, Adv.,
Mr. Mainak Ghosh, Adv.

...for the State

The appellant has sought to be released in this application which arises out of a Criminal Appeal being No.476 of 2019 which is already under challenge in the appeal. The appellant was convicted and sentenced for charge under Section 489B of the Indian Penal Code for a term punishment of 5 (Five) years and fine of Rs.10,000/- with default clause. Similarly, he was also convicted and sentenced for the offence punishable under Section 489C of the Indian Penal Code and sentenced to 3 (three) years rigorous imprisonment with fine of Rs.5,000/-with default clause.

It is submitted on behalf of the appellant that the appellant has undergone detention for a period of 3 years 8 months i.e. since the date of arrest and initiation of the case against him.

Mr. Roychowdhury, learned Advocate appearing for the State submits that so far as the merit is concerned, the charge under Section 489C of the Indian Penal Code is well proved on the basis of the evidence for possession of fake currency notes, however, the charge under Section 489B IPC in respect of the use of the fake currency notes is the issue which can be judged at the hearing of the appeal on merit.

Although, the offence pertains to economic offence telling upon the economy of the Nation, nevertheless, in view of pandemic situation and for the Lower Court Record not having been received as yet, there is likelihood of delay in expeditious disposal of the appeal, and further considering that more than half the punishment imposed on the appellant has been served out, he may be released on bail of Rs.10,000/- with two sureties of like amount with one surety being local with further condition that he would deposit a sum of Rs.15,000/- with the Additional District & Sessions Judge, 2nd Fast Track Court, Jangipur, Murshidabad and also on condition that he would go on attending every month before the learned Trial Court until further order.

Call for the Lower Court Record through Special Messenger within two weeks from the date and the Department be directed to see that the appeal is listed for hearing three weeks hence.

The preparation of the paper book be dispensed with in that situation.

(Shivakant Prasad, J.)