

DL. September
21. 21, 2021

C.R.A. 676 of 2019

In the matter of : An application for bail under Section 389(1) of the Code of Criminal Procedure, 1973 filed under C.R.A.N. 3 of 2021 on January 15, 2021;

And

In the matter of : Ajit Roy @ Bubai ...appellant/petitioner.
(in Jail custody)

Versus

State of West Bengal ...opposite party.

Mr. Md. Sarwar Jahan,
Mr. Maidul Islam Kayal,
...for the petitioner.
Mr. Saibal Bapuli,
Mr. Bibaswan Bhattacharya,
...for the State.

This is an application for suspension of sentence and grant of bail in connection with the appeal preferred by the appellant against the judgment of conviction dated July 25, 2019 and order of sentence dated July 26, 2019 passed by the learned Additional Sessions Judge, Fast Track Court No. IV at Barasat, North 24-Parganas, in Sessions Trial No. 1(11) of 2017 arising out of Barasat Police Station Case No. 439 of 2017 dated May 3, 2017 under Sections 302/109/120B of the Indian Penal Code.

The appellant/petitioner was handed down life sentence for murder of the husband of the accused no. 2, namely, Manua Singha @ Majumder. The learned advocate appearing on behalf of the appellant/petitioner submits that there is no eye witness to support the case of the prosecution nor any circumstantial evidence could be established at the trial by the prosecution in establishing the charge against the petitioner. It is further submitted that there are various discrepancies in the evidence of the witnesses which were relied upon by the

learned trial judge in convicting the appellant.

We have gone through the evidence on record. We find strong prima facie involvement of the petitioner in the commission of the offence. It was not merely the oral evidence on which the conviction was based. The electronic evidence, namely, the PCR report and STR report as also the telephonic conversation of the accused persons before and after the murder of Anupam Singh appears to have been taken into consideration in support of the prosecution case.

On such prima facie satisfaction, we are not inclined in suspending the sentence imposed upon the petitioner and release him on bail at this stage during the pendency of the instant appeal.

However, we expedite the hearing of the appeal.

It appears that in spite of order dated September 18, 2020, the lower court records have not yet been reached this court.

We, therefore, request the learned Registrar Administration (L & OM) to send a reminder to the learned Additional District & Sessions Judge, Fast Track Court No. IV at Barasat, North 24-Parganas, for ensuring transmission of the lower court records relating to Sessions Trial No. 1(11) of 2017 positively before the ensuing Puja Vacation.

The department concerned is directed to see that the requisite number of paper books is prepared within four weeks after reopening of the court after puja vacation for the year 2021.

Liberty to mention the appeal for hearing.

Accordingly, the application for suspension of sentence filed under C.R.A.N. 3 of 2021 stands disposed of.

dns

(**Rabindranath Samanta, J.)**

(**Soumen Sen, J.)**

