

16.09.2020

BP/BR
Sl.15

CRM 6609 of 2020
With
CRAN 1 of 2020

(Via Video Conference)

In re: An application for bail under Section 439
of the Code of Criminal Procedure, 1973.

In the matter of : Ukil Hansda...petitioner

Mr. Uday Shankar Chattopadhyay
Mr. Santanu Maji
..for the petitioner.

Mr. Aniket Mitra
..for the State.

The petitioner is implicated in a case under
Section 302/201 of the Indian Penal Code.

It is ascertained from the submission made by
the learned advocate for the petitioner that trial of this
case has already been completed. After completion of
recording evidence on behalf of the prosecution the
defacto complainant filed an application under Section
319 of the Code of Criminal Procedure which is still
pending. The court is not regularly working due to the
present pandemic situation. Moreover, from the
petition under Section 319 of the Code of Criminal

Procedure it is ascertained that the defacto complainant stated that the witnesses are the real culprits and not the petitioner. Therefore, the petitioner should be released on bail.

We are of the considered view that the application under Section 319 will have to be disposed of by the trial court. The effect of the post-mortem examination record will also be dealt with by the trial court at the time of delivery of judgement. At this stage the submission made by the learned advocate for the petitioner cannot be entertained and the petitioner cannot be dealt with. However, since the trial has already been concluded, the learned Sessions Judge, Burdwan is directed to dispose of the application under Section 319 of the Cr.P.C and then conclude the trial of the case within two months from the date of this order.

The learned advocate for the petitioner will also ensure that the learned advocate appearing on behalf of the petitioner in the trial court shall take part in the hearing of the case on the date/dates fixed by the learned Sessions Judge, Burdwan.

Let a copy of this order be sent to the learned Sessions Judge, Burdwan for information and compliance.

In view of the above discussion, the prayer for

bail is rejected.

The application for bail being C.R.M. 6609 of 2020 and C.R.A.N. 1 of 2020 are disposed of.

(Samapti Chatterjee, J.)

(Bibek Chaudhuri, J.)