

20.10.2020
DL No.24
Court No.12
Avijit Mitra

CRM 8132 of 2020

(Through Video Conference)

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Airport** P.S. Case No.**51/2009** dated **24.03.2009** in Sessions Trial **No. 60(12) 2009** under Sections **302/364/379/411/201/120B** of the Indian Penal Code.

And

In the matter of: **Sarad Kumar Gandhi @ Vicky**

....Petitioner.

Ms. Manaswita Mukherjee

...for the Petitioner.

Mr. N.Ahmed,

Ms. Amita Gaur

...for the State.

We are not satisfied with the conduct of the trial by the prosecution.

We have noticed an order dated 19th June, 2015 passed in C.R.M. No.3338 of 2015 in which it was recorded that out of 30 witnesses 16 were examined. The present petitioner at that point of time was in custody for more than six years.

However, we have also noted the observation made by the co-ordinate bench presided over by our then Chief Justice that the delay was caused due to the adjournments sought for by the co-accused persons.

Today, we do not have material to show that the delay was due to the adjournments sought for by the co-accused persons.

However, considering the fact that the petitioner is in custody for over 10 years, we direct the learned Additional Sessions Judge, Fast Track Court No.1 to conclude the trial on or

before 31st January, 2021 and under no circumstances any adjournment is granted to any of the parties, if required, the trial court shall prepone the date fixed and if possible shall conduct the trial on a day to day basis. In the event the trial could not be concluded within the aforesaid time not due to any adjournment sought for by the co-accused or by the present petitioner, the petitioner shall be entitled to renew his prayer for bail after 31st January, 2021.

This order shall be communicated by the parties as well as by the department to the learned Additional Sessions Judge, Fast Track Court No.1, Barrackpore, North 24 Parganas immediately.

The application for bail being CRM 8132 of 2020 is rejected.

All parties are to act on a website copy of this order on the usual undertaking.

(Aniruddha Roy, J.)

(Soumen Sen, J.)