

21.01.2021
Item no.30
Ct. No.42
CHC

**C.R.R. No.146 of 2021
(Physical Hearing)**

In Re: An application under Section 482 of the Code of Criminal Procedure, 1973.

In the matter of:-

Samiran Saha

.....petitioner

Mr. Sujoy Sarkar

... for the petitioner

Mr. Saswata Gopal Mukherji, Ld. P.P.

Mr. Arijit Ganguly

... for the State

This is for modification of the order, dated 12th February, 2020 passed in connection with C.R.R. No.493 of 2020 directing the petitioner to meet Officer-in-Charge of concerned Police Station once in a month, and thereby relaxing the previous condition imposed therefor.

Learned advocate for the petitioner submits that charge-sheet in this case has been submitted long before and he has complied the conditions of the order passed in C.R.R.493 of 2020 to the extent possible even in pandemic. It is further submitted by the petitioner that that the petitioner is facing hardship to meet the Officer-in-Charge once in a month, which needs to be modified upon consideration of his hardship, as daughter of the petitioner is suffering from serious illness requiring frequent visit and treatment from Bangalore.

Mr. Ganguly, learned advocate representing the State raises objection and submits that after the order dated 12th February, 2020 passed in C.R.R. No.493 of 2020, petitioner has complied the conditions three times, and for the reasons best known to the petitioner, the condition imposed went frustrated.

It appears that the order modifying the condition was passed on 12th February, 2020 in connection with C.R.R. No.493 of 2020 and in the meantime substantial period has been elapsed.

Having considered the submission of both sides and bearing in mind the hardship caused to the petitioner for the illness of the daughter of the petitioner, the condition so imposed on 12th February, 2020 vide C.R.R.493 of 2020 stands lifted and modified accordingly.

With this direction and observation, the instant revisional application stands disposed of.

Petitioner is however, directed to ensure his presence on each date of trial before the learned court below, and failure of which may be adversely treated by the learned trial court, if necessary, by affecting the personal liberty of the petitioner.

All parties shall act in terms of copy of this order downloaded from the official website of this Court.

Urgent Xerox certified copy of this order, if applied for, be supplied to the parties, subject to compliance with all requisite formalities.

(Subhasis Dasgupta, J.)