

02.08.2021

Item no.7

Ct. No.34

CHC

C.R.R. No.738 of 2012

(Via Video Conference)

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

AND

In the matter of:-

Nibendu Prakash Ray

... petitioner

Mr. Abhirup Chakraborty

...for the petitioner

Mr. Arijit Ganguly,

Mr. Sandip Chakraborty

...for the State

Learned advocate appears for the petitioner and submits that the petitioner has already surrendered before the learned court below.

Mr. Chakraborty, learned advocate appearing for the State has submitted a report of the Officer-in-Charge, Regent Park Police Station.

The report reflects that the police authorities left no stone unturned and conducted several raids within the jurisdiction of Patuli Police Station, Baguihati Police Station and Eco Park Police Station to that effect General Diaries have been enclosed. However, it has been categorically stated in the report that the petitioner could not be traced in any of the available addresses including the information which has been worked out so far as the present petitioner is concerned.

A prayer has been advanced for granting further time for executing the Warrant of Arrest.

Earlier, report of the police authorities reflected that the next date of the case was fixed on 10th of August, 2022. I am of the view that it would be a failure of the judiciary if a case has been registered in the year 2007 arising out of matrimonial dispute and trial could not commence either because of the accused or for any other reasons beyond the control of the court. The accused has successfully evaded, delayed the trial according to his will. If the learned Magistrate pursuant to the surrender of the accused was granted bail I would request the learned Magistrate to reconsider the bail as he was never available at the address referred in the court records and the police authorities in spite of exhausting all their energy could not trace him. The status report so submitted by the Officer-in-Charge, Regent Park Police Station be placed before the learned Judicial Magistrate, 7th Court, Alipore, South 24 Parganas.

The learned court is directed to check the records of the case as to who contributed the delay and thereafter, consider the bail of accused in a true and proper spirit of law.

As the learned advocate for the petitioner is present in court, I direct the petitioner to be present before the learned Judicial Magistrate, 7th Court, Alipore, South 24 Parganas on 9th of August, 2021.

The Officer-in-Charge, Regent Park Police Station will also depute a police personnel who through the learned Public Prosecutor of the said court would place the status report which

has been presented before this Court on 02.08.2021, before the learned Magistrate and the learned Magistrate would afresh consider the issue of bail and prepare a list of dates for progressing with the trial of the case. So far as the revisional application is concerned, which was relating to the charge-sheet submitted by the investigating agency, I am of the view that the same is a premature one and as such do not call for any interference of this Court.

As such, C.R.R.738 of 2012 is dismissed.

Pending application, if any, is consequently disposed of.

Interim order, if any, is hereby vacated.

Learned Registrar (Judicial Service), High Court, Calcutta, will communicate copy of this order in course of this week to the learned Judicial Magistrate, 7th Court, Alipore for necessary compliance.

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

(Tirthankar Ghosh, J.)