

28.07.2021

Court No.28
Item No.38
(REJECTED)

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CRM 3425 of 2021
(Via Video Conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed on 16.04.2021 in connection with Shibpur Police Station Case No. 176 of 2013 dated 22.02.2013 under Sections 448/341/387/307/506/34 of the Indian Penal Code, 1860 read with Sections 25/27/35 of the Arms Act;

And

In the matter of : **Prasanta Maity @ Sintu Maity**
...Petitioner.

Mr. Kunal Ganguly

...For the Petitioner

Mr. Rana Mukherjee
Ms. Sujata Das
Ms. Debjani Sahu

... For the State

The petitioner has filed the instant application for bail under Section 439 of the Code of Criminal Procedure in connection with Shibpur Police Station Case No. 176 of under Sections 448/341/387/307/506/34 of the Indian Penal Code, 1860 read with Sections 25/27/35 of the Arms Act.

The petitioner is languishing in jail since last 5 years in connection with the aforementioned case. The case is committed to trial and in fact, all the charge-sheeted witnesses have been examined except the Investigating Officer. The last date was fixed in the month of June 2021 but no substantial progress can be seen on the said date. The case is virtually at the verge of completion and the delay has been caused because of non-production of the Investigating Officer.

Though, we do not find any ground for enlarging the petitioner on bail and, therefore, **reject** the prayer for bail, we show our concern over the delayed trial. The Commissioner of Police, Howrah

Police Commissionerate is directed to ensure that the Investigating Officer is present before the Court on the next date fixed by the Sessions Judge, so that the evidence can be completed in all respect.

We, further, request the learned Sessions Judge to pre-pone the date for recording the evidence of the Investigating Officer, which shall not, in any case, be beyond 30 days from the date of communication of this order in presence of the parties or their respective lawyers.

After recording the evidence of the Investigating Officer and having discharged upon the cross-examination, the trial Court shall show alacrity in disposing of the said case within a reasonable time.

The application for bail being CRM 3425 of 2021 is, accordingly, disposed of.

(Harish Tandon, J)

(Bibek Chaudhuri,J.)