

CRM 5098 of 2021

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

In the matter of : **Okafor Francis Chukwudi**

..... petitioner

Mr. Souvik Mitter

Mr. Anindya Sundar Chatterjee

....For the petitioner

Mr. Bivas Chatterjee

.....For the State

The petitioner, in this case, has been charge-sheeted under Sections 419/420/120B/34 of the Indian Penal Code, 1860 and Sections 14(a)/14A(b) of the Foreigners Act, 2004.

It has been submitted by Mr. Mitter, learned advocate appearing for the petitioner, that insofar as the allegations relate to Sections 419/420/120B/34 of the Indian Penal Code, 1860, the de-facto complainant, has settled the matter with the petitioner and as such, there should not be further proceedings under Indian Penal Code.

Admittedly, the petitioner's visa expired on April 14, 2015, and for such violation, he was apprehended on April 4, 2019.

It has been submitted by Mr. Mitter that the maximum year of punishment under the provisions of the Foreigners Act, 2004 in this case will be five years and the petitioner is in custody for about 793 days.

It appears that the petitioner has overstayed in the country for a long period of time without any valid visa.

In that view of that matter, I am not inclined to grant bail to the petitioner at this stage. The prayer for bail is rejected.

However, I direct the learned Sessions Judge at Barasat to conclude the trial as early as possible, preferably within a period of one year from date, without granting any unnecessary adjournment to either of the parties.

The application being **CRM 5098 of 2021** is disposed of.

All parties shall act upon the server copy of this order duly downloaded from the official website of this Court.

(Kausik Chanda, J.)