

CRM 5121 of 2021

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

In the matter of : **Uson Ahammad & anr.**

..... petitioners

Mr. Sumanta Chakraborty

....For the petitioners

Mr. Rana Mukherjee

Ms. Sujata Das

Ms. Debjani Sahoo

.....For the State

The petitioners appear to be citizens of Myanmar.

It has been submitted by the learned advocate for the petitioners that the petitioners have prayed for refugee status before the Union on the ground of persecution from their own country and such prayer for granting refugee status is still pending.

It has been further submitted that petitioners are in custody for more than three years. Petitioners pray for bail on the ground that they have undergone detention for a period more than half of the maximum period of punishment.

Mr. Rana Mukherjee, learned advocate appearing on behalf of the State, submits, that charge-sheet has been filed in this case under Section 14 of the Foreigners Act, 1946.

Admittedly, petitioners are foreign nationals and till date refugee status has not been accorded to them.

In view of the matter, at this stage, I am not inclined to enlarge the petitioners on bail.

The petitioners, however, will be at liberty to take up the issue with regard to their prayer for refugee status before the Central Government.

Since there has been no effective progress in the trial for a long period, learned Judicial Magistrate, 1st Court at Basirhat, North 24-Parganas shall make an endeavour to expedite the trial and conclude the same as early as possible, but not later than one year after the resumption of the normal functioning of the Court.

The application being **CRM 5121 of 2021** is, thus, 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.)