

13.09.2021
SL No.16
Court No.30
(gc)

CRM 7164 of 2019
(Via video Conference)

In Re:- An application under section 439(2) of the Code of Criminal Procedure.

And

In the matter of : **Imjam Haque**

- Petitioner

Mr. Tapas Kumar Dey,
Mr. Ashis Kumar Datta,
... For the Petitioner.

Mr. N. Ahmed, Ld. A.P.P.,
Mr. Z.N. Khan,
Mr. N.P. Agarwal,
... For the State.

Mr. Subhajit Chowdhury,
... For the Opposite Parties.

It appears that the petitioner filed an application for cancellation of bail granted to the opposite parties on 27th February, 2019. The said application was dismissed on the ground that the petitioner pursuant to the direction of the learned Court below vide Order No.1 dated 1st June, 2019 did not file the requisite nor any adjournment petition was filed. It appears that the learned Judge came to the finding that the petitioner was not interested to proceed with the instant case.

The learned Counsel for the petitioner tried to emphasize that for a small mistake in carrying out the earlier direction, the cancellation petition ought not to have been dismissed.

Considering the aforesaid, we feel that an opportunity may be given to the petitioner to carry out the direction as contained in

the order dated 1st June, 2019 and approach the Court below for revival of the application filed earlier for cancellation of bail. In the event such prayer is made, we request the learned Court below to dispose of the application for cancellation on merits after being satisfied that the earlier directions have been complied with.

With the aforesaid observations, the application for cancellation of bail, being CRM No.7164 of 2019, is disposed of.

However, there shall be no order as to costs.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Rabindranath Samanta, J.)

(Soumen Sen, J.)