

CRR 2505 of 2021
(Via video conference)

In the matter of : Sushil Kumar Jain

.....Petitioner

Mr. Sandipan Ganguly, Sr. Adv.
Mr. Sabyasachi Banerjee
Mr. P. Kar
Mr. Sagnik Majumder for the Petitioner

The petitioner by his conduct has caused a concern to the learned trial Court and is unwilling to appear on the dates so fixed pursuant to the order passed in the earlier revisional application. Learned trial Court obviously has no recourse except to issue harsher process of law.

Mr. Ganguly, learned advocate appears on behalf of the petitioner and submits that the evidence is in progress and the adjournment was on medical grounds. The petitioner was unable to attend the court on the date so fixed. The medical documents so enclosed, are not inspiring. However, warrant of arrest has been issued and the petitioner is regularly approaching this court thereby delaying the proceedings in the trial Court.

As a last recourse, I direct that the petitioner will furnish a bond of Rupees five lakhs before the learned Senior Municipal Magistrate which would include only fixed deposit receipts of the petitioner himself. If there is non-compliance of the order passed by the learned Senior Municipal Magistrate therein in that case, the said bond would be encashed and the proceeds forwarded to the health authorities of the Government of West Bengal who

will be at liberty to utilise the same for the upliftment of their department.

For the time being, the petitioner is directed to appear again on or before 23rd December, 2021. The Magistrate will allow him to continue on the same bail and bond as earlier allowed subject to the furnishing a fresh bond as directed by this Court. In case, the petitioner creates hindrance to the progress of the trial, the aforesaid order would be implemented and the learned Magistrate would encash the bond and utilise the same in the mode and manner as directed above.

The petitioner is further directed to at least on the next ten occasions make himself physically available before the trial Court, thereafter, the petitioner will be at liberty to take out an application under Section 205 of the Code of Criminal Procedure.

With the aforesaid observations, CRR 2505 of 2021 is disposed of.

All parties are to act on the server copy of this order duly obtained from the official website of this Court.

(Tirthankar Ghosh, J.)