

12.07.2021
Court No.30
rpan / **13**

C.R.M. No. 9494 of 2020
(Via video Conference)

In Re : **Raju Pradhan & Another**
...Petitioners.

Mr. Sourav Chatterjee
Mr. Aniruddha Bhattacharyya
... for the Petitioners.

Mr. Neguive Ahmed,
Md. Anwar Hossain,
Ms. Amita Gaur
...for the State.

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioners in connection with Kasba Police Station Case No. 117 of 2009 dated 10.05.2009 under Section 364 of the Indian Penal Code read with adding Sections 302/201/34 of the Indian Penal Code.

Mr. Chatterjee, learned advocate appearing for the petitioners submits that the petitioners are languishing in custody since May, 2009 and the trial is yet to be completed. The petitioner no.2 approached this Court earlier and by an order dated 5th June, 2015 in CRM 2770 of 2015, a coordinate Bench of this Court, considering that the petitioner no.2 had been in custody for more than six years, directed the learned Sessions Court to conclude the trial positively within six months from the date of communication of the order. In spite of such specific direction, trial has not been concluded till date. In the said conspectus, further detention of the petitioners is not warranted.

Mr. Ahmed, learned Additional Public Prosecutor appearing for the State submits, upon instruction, that the trial has

progressed substantially and the date for examination of the petitioners under Section 313 of the Code has been fixed on 14th July, 2021 and the trial would be completed within a short period of time.

He further submits that delay, which has occasioned, is not totally attributable to the State. Furthermore, the said delay stands intervened by a period lost due to the pandemic.

We have heard the learned advocates appearing for the respective parties and considered the materials in the case diary. It appears that the petitioners are in custody for more than ten years and in spite of an earlier direction, the trial could not be completed within the time specified. However, as the trial has reached the stage of 313 examination, we are not inclined to grant bail to the petitioners at this stage.

However, this Court directs the learned Sessions Court to peremptorily conclude the trial within a period of three months from date.

With the above observations, the application for bail, being CRM 9494 of 2020, is disposed of.

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

(Suvra Ghosh, J.)

(Tapabrata Chakraborty, J.)