

02-02-2021

Court 12

C.R.M. 9605 of 2020

An application for bail under Section 439 of the Code of Criminal Procedure filed on 15.10.2020 in connection with Park Street Police Station Case No.29/2012 dated 09/02/2012 under Sections 376(2)(g)/323/506 of the Indian Penal Code and corresponding.

Md. Kadir Khan @ Md. Kader Khan
Versus
State of West Bengal

(Through Video Conference)

Mr. Prabir Kumar Mitra, Adv.
Mr. Pinak Mitra, Adv.
...for the petitioner

Mr. Saswata Gopal Mukherjee, Ld. PP
...for the State

This matter was adjourned on 2nd December, 2020 with a direction upon the trial court to proceed with the trial in accordance with law and to submit a progress report on the adjourned date in order to consider whether the custody of the petitioner is required during the period of trial.

The learned Public Prosecutor representing the State has produced before us the progress report wherefrom it appears that on 14th December, 2020 PW-47 appeared but the cross-examine could not be done as the learned Presiding Officer of the court was on leave. However, it appears that the learned Court-in-Charge has fixed the matter on 11th January, 2021, 12th January, 2021 and 13th January, 2021, for further cross-examination of the PW-47.

On the aforesaid dates, cross-examination of PW-47 was done and we have been informed by the learned Public Prosecutor that the matter is now fixed on 4th February, 2021, 5th February, 2021 and 8th February, 2021 for further cross-examination of the PW-47. We have also been informed that he is the last witness for the prosecution.

We expect the trial court shall conclude the cross-examination within the aforesaid period and the learned Counsel for the parties shall cooperate with the learned Court to conclude the evidence of the parties.

We make it clear that the cross-examination of PW-47 should be concluded within the aforesaid time and no adjournment should be granted to any of the parties.

After conclusion of the evidence, we request the learned Court below to make a schedule for proceeding under Section 313 of the Code of Criminal Procedure and argument and conclude the entire matter as early as possible, preferably within a period of six months after the stage under Section 313 of the Code of Criminal Procedure is completed.

The application for bail at this stage is rejected.

(Saugata Bhattacharyya, J.)

(Soumen Sen, J.)