

23.03.2021

Item no.7.

Court No.1

AB/SDE (t)

(Via Video Conference)

C.R.M. No.10153 of 2020

**Ravindra Biyani
Vs
The State of West Bengal**

Mr. S. N. Mukherjee, Sr. Adv,
Mr. Anuj Singh,
Ms. Niharika Singh,
Mr. A. K. Singh ...for the Petitioner.

Mr. N. P. Agarwal ...for the State.

We have heard the learned Senior Counsel appearing for the petitioner.

We have also heard Mr. N. P. Agarwal for the State. Let his appointment be regularized.

This application is filed before the High Court invoking Section 439(1)(b) of the Code of Criminal Procedure primarily because the Trial Court dismissed an application for permission to travel abroad. That application by the applicant/accused was rejected by the Court below in the following manner :

“Today learned Public Prosecutor is absent. Now it is 1:00 PM. Learned lawyer for the accused/petitioner Ravindra Biyani is present. And adjournment is filed for the accused/petitioner but this court notes the said application dated 08/10/2020 cannot be heard apropos the Resolution by local bar vide order no.282 dated 01/10/2020 by Office of Chief Judge, City Sessions Court, Calcutta and the said application is rejected.”

At this distance of time, all that needs to be done is to clarify that any further application by the applicant Ravindra Biyani be considered by the Court below on its own merits and without making reference to the afore-quoted order dated 21.10.2020 of the Court below.

We direct that if any such application is filed, that will be decided on its own merits after hearing the Counsel for the applicant and the learned Public Prosecutor. However, any such application shall be disposed of within a period of three weeks of notice to the Public Prosecutor.

It is clarified that we have not stated anything on the merits of the matter.

With the aforesaid direction, CRM No. 10153 of 2020 stands disposed of.

Urgent Photostat Certified copy of this order, if applied for, be supplied expeditiously after complying with all necessary legal formalities.

(Thottathil B. Radhakrishnan, C.J.)

(Shampa Sarkar, J.)