

05.12.2022

Item No.21
Ct.No.34
dc.

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION**

C.R.R. 1266 of 2021

**Joydeb Deoghoria @ Deoghuria
versus
The State of West Bengal & Anr.**

In Re: An Application under Section 401 read with Section 482 of the Code of Criminal Procedure, 1973.

Mr. Soumik Ganguli,
Mr. Sourat Nandy ... For the Petitioner.

Mr. Imran Ali,
Ms. Debjani Sahu ... For the State.

Mr. Samiran Mandal,
Mr. Abhinaba Dan ... For the Opposite Party No.2.

Report submitted by Ms. Debjani Sahu, learned advocate appearing for the State be kept on record.

I find that on 17.04.2021 relying upon two G.D. Entries dated 01.03.2021 and 03.03.2021, the learned sessions court was pleased to cancel the bail granted to the present petitioner on 24.02.2021 in Criminal Misc. Application No. 72 of 2021. The said order was challenged before this Court and on 10.08.2021, a co-ordinate Bench of this Court was pleased to stay the order dated 17.04.2021.

Ms. Sahu, learned advocate for the State and Mr. Mandal, learned advocate for the opposite party no.2 submits that there are no other G.D. Entries which are available presently with the police station as the *de facto* complainant thought that the case is pending, no other information was lodged with the concerned police station. It has been submitted on behalf of the *de facto* complainant that earlier

there were complaints made with the police authorities regarding the conduct of the accused.

It has been submitted that the present petitioner is the sole accused in a case under Sections 302/379 of the Indian Penal Code. Charge-sheet has already been submitted. Charges are relating to sessions triable offence. Almost two years have passed since the FIR was registered.

Having regard to the overall circumstances, I am of the opinion that at this belated stage without further recent complaints, the liberty enjoyed by the petitioner should not be interfered with. However, the conditions must be made stringent so that in course of trial, there is no complaint regarding an apprehension in respect of the witnesses who would be relied by the prosecution at the appropriate stage. Thus, it is directed that the petitioner shall not enter into the jurisdiction of Bankura Sadar Police Station except for the purposes of attending the court. Further, as undertaken by Mr. Soumik Ganguli, learned advocate appearing for the petitioner, it is directed that the petitioner will not leave the jurisdiction of Beliatore Police Station without the permission of the Inspector-in-Charge/Officer-in-Charge of the said police station. The petitioner shall once in a month appear before the learned sessions court/trial court, in seisin of the matter, irrespective of the fact that whether any date has been fixed for trial or not.

The next date, as has been informed, is on 07.12.2022. The learned Magistrate, in seisin of the case, is directed to immediately comply with the provisions under Section 207 of

the Code of Criminal Procedure and commit the case to the learned sessions court so that the trial of the case can commence as early as possible. To that effect, if it is not possible for the learned Magistrate to complete the procedure by 07.12.2022, within a week thereafter, the learned Magistrate would take such steps so that the case is committed.

Ms. Sahu, learned advocate for the State is directed to inform the Inspector-in-Charge or the Investigating Officer of the case of Bankura Sadar Police Station to take steps so that there is no further delay. The order dated 17.04.2021 is hereby set aside.

The petitioner would abide by the conditions imposed by this Court as directed above.

With the aforesaid observations, the revisional application being CRR 1266 of 2021 is disposed of.

All pending connected applications, if any, are consequently disposed of.

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

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Tirthankar Ghosh, J.)