

24.11.2022

Item No.34
Ct.No.34
dc.

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

C.R.R. 1354 of 2021

**Saikat Dey
versus
The State of West Bengal & Anr.**

In Re: An Application under Sections 397/401 of the Code of Criminal Procedure.

Ms. Sibangi Chattopadhyay,
Mr. Rony Mondal ... For the Petitioner.

Mr. Madhusudan Sur,
Mr. Dipankar Paramanick ... For the State.

Learned advocate appearing for the petitioner submits that at the stage when this revisional application was preferred, the accused person was absconding and accordingly, the petitioner preferred this revisional application before this Court challenging the orders particularly, relating to deposit of certain amounts which were passed by the learned Special Court on 04.06.2021 and 08.06.2021. Learned advocate submits that since then, the circumstances as on date has completely changed and presently the accused is in custody and the trial court is in complete seisin of the matter.

Mr. Sur, learned advocate appearing for the State does not dispute the present position of the case and the changed circumstances since this revisional application was preferred.

It has been submitted that the petitioner apprehended that by depositing the amount, the accused intended to wriggle out of the criminal case. Be that as it may, I do not

find that there is any substance to be considered by this Court at this stage when the trial is about to commence or has already commenced. It would be best in the interest of justice to leave it to the discretion of the learned Special Court who is in seisin of the matter whether to pursue the deposit or prevent the deposit to be made. This Court will not interfere in the day-to-day decision made by the learned trial court in the interest of smooth progress of the trial of the said case.

With the aforesaid observations, the revisional application being CRR 1354 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.)