

Form J(1)

**IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction
Appellate Side**

**Present :
The Hon'ble Justice Bibek Chaudhuri**

C.R.R. 2689 of 2022

Sujit Roy

Vs.

The State of West Bengal

**For the petitioner : Mr. Debasis Kar, Adv.
Mr. Subhajit Chowdhury, Adv.**

**For the State : Mr. Saswata Gopal Mukherjee, Ld.P.P.
Mrs. Faria Hossain, Adv.
Mr. Anand Kesari, Adv.**

Heard on : 29.07.2022

Judgment On : 29.07.2022.

Bibek Chaudhuri, J.

The following order is passed in continuation of the order dated 28th July, 2022.

The instant revision has been filed by accused Sujit Roy in custody with a prayer to give effect to the order dated 20th July, 2022 passed by the learned Additional Sessions Judge, 2nd Court at Barrackpore, North 24-Parganas in Sessions Case No.46 of 2021 arising out of Titagarh Police Station Case No.548 of 2020 dated 5th

October, 2020 under Sections 302/34/120B of the Indian Penal Code and Sections 25/27 of the Arms Act.

On perusal of the order dated 20th July, 2022 passed by the learned Trial Judge, it is ascertained that the record of Sessions Case No.46 of 2021 was put up before the learned Trial Judge on the basis of an application filed on behalf of the accused/petitioner in custody. The petitioner prayed before the Trial Court that his elder brother passed away on 19th July, 2022 and the date of funeral of the said elder brother of the petitioner was on 21st July, 2022. The petitioner prayed permission of the Trial Court to attend the funeral of his deceased elder brother at Samastipur, Bihar. The said application was allowed by the Trial Judge directing the Superintendent, Barrackpore Special Correctional Home to take all steps for ensuring attendance of the accused in the funeral of his elder brother at Samastipur, Bihar with the help of police escort. However, the petitioner was not taken to Samastipur to take part in the funeral of his deceased elder brother as per order of the learned Trial Court, as no police arrangement could be made by the Barrackpore Police Commissionerate.

The petitioner has filed the instant revision for a direction upon the police authority to comply with the order passed by the Trial Court on 20th July, 2022.

It is also prayed on behalf of the petitioner at the time of hearing of the instant revision that the police authority may be directed to take necessary arrangements to ensure petitioner's attendance during the last rites of his elder brother to be held on 30th July, 2022.

The learned Public Prosecutor draws attention of this Court to the order dated 20th July, 2022 passed by the learned Trial Judge to show that the order allowing the petitioner to attend the funeral of his deceased elder brother was passed by the Court below without giving any opportunity to the learned Public Prosecutor to submit as to whether the State had any objection or not in this regard.

It is also submitted by the learned Public Prosecutor that the petitioner wanted to attend funeral of his elder brother. There is no prayer on behalf of the petitioner to attend last rites of his deceased elder brother to be performed on 30th July, 2022.

No such prayer can be allowed without giving any opportunity to the learned Public Prosecutor in the Trial Court.

It is also submitted by the learned Public Prosecutor that the Investigating Officer has filed a report in this Court stating the nature of the offence allegedly committed by the petitioner. The petitioner is a professional sharp shooter. He committed a murder of a local political leader, named Manish Shukla at Titagarh and fled away. He

was intercepted from Ludhiana after committing the offence. The petitioner is involved in many other incidents of contract killing and other organized crime. The police authority cannot take the risk to take him to Samastipur, Bihar for his presence in the last rites of his elder brother. Therefore, the instant revision may be dismissed outright.

Having heard the learned Advocate for the petitioner and the learned Public Prosecutor and on perusal of the order dated 20th July, 2022, I am in agreement with the learned Public Prosecutor that the petitioner never prayed before the Trial Court to allow him to attend the last rites of his elder brother, since deceased. He prayed for his attendance in the funeral of his elder brother.

The leaned Trial Judge allowed the prayer of the petitioner without giving any audience to the prosecution. The petitioner cannot claim as of right that when the police authority failed to take him to Samastipur to attend the funeral his elder brother, he may be allowed to attend last rites of his elder brother to be held on 30th July, 2022.

I have duly considered the fact of the case and the police report submitted by the Investigating Officer, CID, West Bengal.

Considering the objection made by the Investigating Officer, CID, West Bengal, this Court is not inclined to allow the prayer of the accused/petitioner as he is a seasoned and veteran criminal and a

gang member of a notorious criminal gang of contract killers headed by accused Subodh Singh.

The instant revision, is, thus, misconceived and dismissed summarily.

Reports submitted by the Investigating Officer be kept with the record.

(Bibek Chaudhuri, J.)

***Mithun De/
A.R. (Ct).
SI No.5. D/L.***