

31.08.2022
Serial no.46
Aloke

CRR 2810 of 2022
in
CRA (DB) 50 of 2022

In the matter of : **Chandan Sk. & Ors.**

... .. Appellants

Mr. Uday Sankar Chattopadhyay, Advocate

... .. For the Petitioner

Mr. Sudip Ghosh , Advocate

Mr.Apurba Kr. Datta, Advocate

... .. For the State

None appears for the first appellant subsequent to the issuance of the Rule.

The appeal is at the behest of three appellants. The order of sentence was suspended by this Hon'ble Court on May 17, 2022 on the condition prescribed therein.

One of the conditions was that the appellants shall report to the Magistrate once in a month till the disposal of the appeal. The order provided that, in the default of failure to do so Magistrate shall forthwith intimate such fact to this Hon'ble Court and the department shall place the matter before the appropriate Bench for necessary order in accordance with law.

The first appellant did not comply with the order of reporting before the Court of the Magistrate in terms of the order dated May 17, 2022. Consequently, the learned Magistrate intimated this Hon'ble Court with regard to such non-compliance.

The department in turn placed the matter before this Court for passing necessary orders.

On July 29, 2022, learned Advocate appearing for the appellants submitted that the appellants and particularly the first appellant was under life threat and, therefore, cannot comply with the order dated May 17, 2022. Such contention was disbelieved and Rule was issued against the first appellant.

Learned Advocate appearing for the appellants submits that he did not receive any instructions from the first appellant to respond to the Rule.

State is represented.

The first appellant continues to remain in default of compliance with the order dated May 17, 2022 by which the sentence of conviction as against the first appellant was suspended.

In view of such non-compliance, it would be appropriate to withdraw the order of suspension of sentence and cancel the bail of the first appellant (Chandan Sk.) forthwith.

The first appellant (Chandan Sk.) will report to the learned Additional Chief Judicial Magistrate, Katwa, within seven days from date.

In default, the learned Court will take appropriate steps.

The department will communicate this order to the learned Additional Chief Judicial Magistrate, Katwa, forthwith.

In addition thereto, the Registrar (Judicial) is requested to communicate this order to the learned Additional Chief Judicial Magistrate, Katwa.

CRR 2810 of 2022 in CRA (DB) 50 of 2022 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)