

13.10.202

2

SI No.8
Ct.No.35

Mithun
G.S.Das

CRR 3214 of 2022

In Re: - An application under Section 482 read with Section 401 of the Code of Criminal Procedure, 1973 in respect of Order dated 23.02.2022 passed in S.T. Case No. 05 (07) of 2019 under Sections 308 of the Indian Penal Code, 1860 presently pending before the Court of the Learned Additional District & Sessions Judge, Fast Track Court –II at Sealdah, South 24 Parganas.

And

In the matter of: Raghunath Paswan

....petitioner.

Mr. Mrityunjoy Chatterjee
Mr. Debapriya Majumder

...for the petitioner.

Mr. R. D. Nandy
Ms. Puspita Saha

... for the State

The petitioner has approached this Court challenging the order dated 23rd February, 2022.

The records of the revisional application reflects that since February, 2021, the petitioner was absent before the Learned Trial Court without taking any steps. The conduct of the petitioner during trial is not satisfactory.

Mr. Nandy, Learned Advocate, appearing on behalf of the State draws the attention of this Court to the conduct of the accused in course of the trial and further submits that because of the petitioner the trial has been delaying.

I find that there is a substantial force in the argument advanced by the Learned Advocate for the State.

However, having regard to the undertaking of Mr. Chatterjee, henceforth the petitioner would abide by the conditions imposed by the Court, as such, I direct that in case the petitioner appears before the Learned Trial Court by 7th of November, 2022, then the petitioner would be at liberty to continue on the same bail

and bond which was earlier granted and furnished before the Learned Court.

Henceforth, the Learned Trial Court would impose the following conditions upon the petitioner.

- i) The petitioner shall meet with an officer deputed by the Officer-in-charge of Phoolbagan Police Station once in a week until further orders.
- ii) The petitioner shall not leave the jurisdiction of Phoolbagan Police Station until further orders of this Court, except for the purpose of attending the Court.
- iii) The petitioner shall appear before the Learned Trial Court once in a fortnight and get an acknowledgement of his attendance irrespective of the fact whether any date has been fixed for the purpose of trial.
- iv) Until further orders of this Court, any application under Section 317 of the Code of Criminal Procedure or under Section 205 of the Code of Criminal Procedure will not be entrained by the Learned Trial Court.

With the aforesaid observations, CRR 3214 of 2022 is disposed of.

All parties to act on a server copy of this order, duly obtained from the official website of the Hon'ble High Court

Calcutta.

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

(Tirthankar Ghosh, J.)