

06.12.2022
Sl. No.25
akd
[Rejected]

C. R. M. (DB) 4195 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 23.11.2022 in connection with Uluberia Police Station Case No.502 of 2017 dated 13.06.2017 under Sections 417/419/420/395 of the Indian Penal Code and subsequently charge sheet submitted under Sections 417/419/420/395/412 of the Indian Penal Code.

And

In Re: ***Amiya Chakraborty***

... .. Petitioner

Mr. Mrityunjoy Chatterjee
Mr. Saroj Banerjee
Ms. Jui Jana

... .. for the petitioner

Mr. Swapan Banerjee
Mr. Suman De

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for more than five years. It is further submitted there is inordinate delay in the trial of the case.

Learned Advocate appearing for the State opposes the prayer for bail. He draws our attention to the fact that accused persons had resorted to dilatory tactics to delay the proceeding. Cross-examination of PW1 continued for eleven days and that of PW2 for four days.

We have considered the materials on record. Ordinarily incarceration for more than five years would have persuaded us to enlarge the petitioner on bail. But when the conduct of the petitioner is to subvert the judicial process by prolonging the trial in the name of cross-examination, we do not choose to extend the privilege to the petitioner.

On a number of occasions, the Apex Court has held that examination of a witness is to be concluded on the same day and if it is

not possible within 2/3 days. There is flagrant violation of such direction in the present case.

The application for bail is thus **rejected**.

Trial court is directed to conduct the trial bearing in mind the aforesaid mandate regarding examination of witnesses and to conclude the same at an early date preferably within six months from the next date fixed without showing unnecessary indulgence to the defence in the matter of cross-examination.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)