

July 18, 2023
AD – 30
Ct. 34
SG

CRR 354 of 2023

Sudip Mondal
-versus-
State of West Bengal and another

Mr. Amitabha Ghosh
Ms. Nabanita Chatterjee
... for the petitioner.

The petitioner has challenged the order dated 23.11.2022 passed by the learned Metropolitan Magistrate, 19th Court, Calcutta in connection with Muchipara Police Station Case No.10 of 2019 dated 17.01.2019.

The prayer so advanced before the learned trial court is for cancellation of bail as the accused/OP did not comply with the condition or undertaking before the court why his anticipatory bail application/regular bail application was allowed.

Having regard to the circumstances, I am of the view that the application is for the purpose of cancellation of bail. With regard to the same, I am of the similar opinion as that of the learned Metropolitan Magistrate.

Petitioner would be at liberty to take out an application under Section 439(2) of Cr.P.C. before the appropriate forum. The appropriate forum will consider the application (if it is filed) by taking into account that a revisional application was pending before this Court for a considerable period of time so that the factor of delay may

be omitted and the merits of the case be considered by the concerned court.

With the aforesaid observations, CRR 354 of 2023 is disposed of.

Pending application, if any, is consequently disposed of.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

Urgent certified copy of this order, if applied for, be made available to the parties upon compliance of such requisite formalities.

(Tirthankar Ghosh, J.)