

CRR 1465 of 1996

In the matter of : Tarun Singh & Ors.

Mr. S. Sarkar                      ... for the petitioners

Mr. B.K.Roy  
Ms. Sima Biswas                      ... for the State

Mr. Sarkar, learned counsel representing the petitioners has come with a prayer to direct the State to call for a status report.

This revisional application is of 1996.

I do not want to inject further lethargy by asking the State to submit a status report particularly taking into consideration the order impugned.

An application was filed before the learned Sessions Judge, Purulia seeking an order in cancelling the protection extended to the accused persons under Section 438 of the Code of Criminal procedure.

Upon perusal of order, I find that in criminal Misc. Case No. 1162 of 1995 the protection of Section 438 of Cr.P.C. was extended to the petitioners on condition to comply with the provision of sub-Section 2 of Section 438 of Cr.P.C. and to surrender before the learned Sub-Divisional Judicial Magistrate, Purulia by 16<sup>th</sup> of November, 1995. The accused persons accordingly surrendered to the jurisdiction of the learned Sub-Divisional Judicial Magistrate, Purulia and they were admitted on regular bail under Section 437 of Cr.P.C. Subsequently it was alleged that the accused persons started intimidating the witnesses of the case. The Investigating Officer was directed to

submit a report and the report lent support to the allegation made by the complainant. Consequent thereupon, learned Sessions Judge, however, was pleased to dismiss the prayer for cancellation of bail.

Under such factual backdrop, taking into consideration the age of the lis, I do not consider it expedient to invoke the provision of Section 482 of the Cr.P.C. at this stage, particularly when there is every reason to presume that proceeding before the learned Trial Court during the last twenty five years has reached to its logical conclusion as there was no impediment before the learned Trial Court to proceed with the trial

The revisional application, is thus disposed of, along with application if any.

The interim order, if any, stands vacated.

Let a copy of the order and the lower court record be sent to the learned Trial Court for information and necessary action.

(Siddhartha Roy Chowdhury, J.)