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C.R.R. No.1427 of 2021

In Re: An application under Section 482 of the Code of Criminal Procedure, 1973.

Jalal Uddin Mollick
Versus
The State of West Bengal & Anr.

Mr. Moyukh Mukherjee,
Mr. Sarthan Mondal.
...for the petitioner.

Mr. Madhusudan Sur,
Mr. Dipankar Paramanick.
...for the State.

Report submitted by the Sub Divisional Police Officer, Arambagh, Hooghly be kept with the record.

It has been submitted by Mr. Madhusudan Sur, learned advocate appearing for the State that the investigation is still continuing in respect of the accused Jalal Uddin Mollick. Learned Additional Public Prosecutor points out that the insertion of Jalal Uddin Mollick not being charge-sheeted as appearing in the report under Section 173 of the Code of Criminal Procedure filed before the jurisdictional court is an inadvertent mistake. To that effect, it has been pointed out by the State that the concluding portion of the report reflects that the investigation is still continuing so far as the accused Jalal Uddin Mollick is concerned. State has also drawn attention of this Court that in CRM 7162 of 2020 a Division Bench of this Court on 21.10.2020 was pleased to dismiss the application for anticipatory bail.

Such fact was not brought to the notice of this Court which passed the interim order on 3rd August, 2021. I am of the view that the interim order was obtained by the petitioner by committing a fraud upon the Court.

Accordingly, CRR 1427 of 2021 is dismissed.

Pending application, if any, is consequently dismissed.

The interim order, if any, is hereby vacated.

Having considered that the case was initiated in the year 2019 and the anticipatory bail of the petitioner was rejected on October, 2020 and the accused/petitioner adopted surreptitious methods for stalling the proceedings against him, I direct that proclamation be immediately issued by the learned ACJM, Arambagh. Steps be immediately taken so that after compliance of the statutory provisions of Criminal Procedure Code, the property of the petitioner may be attached immediately.

The Sub Divisional Police Officer, Arambagh, Hooghly and the Investigating Officer of the case are present. Their further appearance before this Court is dispensed with.

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

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

(Tirthankar Ghosh, J.)

