

15-05-2023
Subha
Item no.46
Ct no.34

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

CRR 1537 of 2021

Nakul Das
-versus-
The State of West Bengal

In Re : An application under Sections 397/401 read with Section 482 of the Code of Criminal Procedure.

Mr. Rajdeep Majumder
Mr. Pritam Roy
Mr. Abhijit Singh
....for the petitioner.

Mr. Arijit Ganguly
Mr. Sandip Chakraborty
....for the State.

The present revisional application has been preferred challenging the proceedings relating to NGR Case No. 743 of 2021 under Section 110 of the Code of Criminal Procedure pending before the Special Executive Magistrate In-Charge, Bidhanagar Police Commissionerate including the order dated 12th July, 2021.

Pursuant to an earlier order dated 26th April, 2023, a report was called for. Accordingly, Mr. Arijit Ganguly, learned advocate appearing for the State has submitted a report of the Deputy Commissioner of Police, Detective Department, Bidhannagar Police Commissionerate which reflects that there are two cases against the present petitioner being Electronics Complex PS Case No. 40 of 2021 dated 20.03.2021 under Section 379 IPC wherein after investigation final report was submitted.

Another case being Bidhannagar North PS Case No. 110 of 2021 dated 28.06.2021 under Section 379 IPC was also pending which culminated in a chargesheet under Sections 379/411/34 of the Indian Penal Code and the said chargesheet was submitted on or about 28th July, 2021. Petitioner was produced before the learned Executive Magistrate pursuant to a production warrant issued. His first appearance was on 15th July, 2021. Petitioner was released pursuant to a bail order being received through the learned Additional Chief Judicial Magistrate, Bidhannagar on 23.11.2021. However, thereafter petitioner was absent before the learned Special Executive Magistrate.

Having considered the nature of the allegations and the fact that there are some substance in respect of the allegations made by the concerned police officer in respect of the alleged offences under Sections 379/411/34 of the Indian Penal Code and the crimes relating to such effect being committed in the locality, I am of the opinion that some opportunity must be afforded to the informant to adduce his evidence.

Having considered that more than four months have passed while the petitioner has spent in custody, I direct that the learned Special Executive Magistrate in this case will take all efforts to complete the trial by 15th November, 2023.

In case the proceedings are not completed by 15th November, 2023, the learned Special Executive Magistrate will discharge the petitioner from NGR Case No. 743 of 2021 under Section 110 of the Code of Criminal Procedure.

With the aforesaid observations, the present revisional application being CRR 1537 of 2021 is disposed of.

Pending applications, if any, are disposed of accordingly.

Petitioner is directed to surrender before the learned Special Executive Magistrate by 1st June, 2023. The warrant of arrest so issued be stayed till 4th June, 2023. In case the petitioner do not surrender the learned Executive Magistrate will revive the warrant of arrest by 5th June, 2023.

All concerned parties are to act in terms of a copy of this order duly downloaded from the official website of this court.

[Tirthankar Ghosh, J]