

D/L35
15.09.2023
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C.R.M.(SB) 111 of 2023

In Re: An application under Section 439(2) of the Code of Criminal Procedure;

Chiranjeeb Ghosh
Versus
The State of West Bengal and another

Mr. Moyukh Mukherjee.
...for the petitioner.

Mr. Kamaleh Chandra Saha.
...for the opposite party no.2.

Mr. Ranabir Roy Chowdhury
Mr. Sandip Chakraborty
Mr. Mainak Gupta.
...for the State.

The application for cancellation of bail was preferred in connection with Bidhannagar East Police Station Case No.68 of 2015 dated 29.06.2015. The main grievance of the de facto complainant/petitioner is that the opposite party no.2 was initially granted bail under the statutory provision of law and subsequently on his surrender, bail was granted to him on the same date. Facts of the case reflect that the present petitioner had to suffer financial losses because of the act and action of the accused opposite party no.2 for which the present case has been registered for investigation under Section 406/420/465/468 of the Indian Penal Code. The accused has evaded the process of law for a considerable period of time. However, the case is based on documents. Although charge-sheet was submitted in the year 2016 but till date charges have not been framed.

Accordingly, on the next date so fixed, I direct the learned trial court to frame the charges on the said date or within a fortnight thereafter. In case any design is adopted for evading the process of law, the learned Magistrate would exercise its discretion in the circumstances for exhausting harsher process of law. If the learned Magistrate feels that purposely delay is committed by the accused, in that case, learned Magistrate would modify the condition of bail and take steps for ensuring his appearance on the date fixed for evidence of the accused.

With the aforesaid observations, CRM (SB) 111 of 2023 is disposed of.

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.)