

01.06.2023.
36.
Ct.No.08
as/TN

C.R.M. (DB) 2173 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Sagardighi P.S. Case No. 392 of 2017 dated 01.09.2017 under Sections 498A/302/201 of the IPC.

In the matter of : Jaker Sk @ Jaker Ali @ Saheb Sk
.... Petitioner.

Mr. Sourat Nandy
...for the Petitioner.

Mr. Swapan Banerjee,
Mr. Narayan Prasad Agarwal,
Mr. Suman De.
...for the State.

Records reflect that the petitioner is in custody since the year 2017. The earlier order dated June 24, 2022 passed in CRM (DB) 2009 of 2022 reflects that there was a direction to complete the trial within one year from the next date fixed for recording of evidence. It has been submitted that the prosecution in the charge-sheet has relied upon 24 witnesses and the order dated April 12, 2023 reflects that the charge-sheeted witness nos. 6 and 7 are to be examined and there is no Presiding Officer in the court also.

Having regard to the totality of the circumstances, we direct that the learned District and Sessions Judge, Murshidabad would take a decision for compliance of the order passed by the Hon'ble High Court on June 24, 2022. It is further directed that if the District and Sessions Judge so feels then in that case, he would transfer the case where the Presiding Officer is available.

The District Judge will direct the SDPO/Additional SP or the DSP having jurisdiction over the concerned police station to ensure production of the witnesses on the date so fixed by the learned trial court.

All steps should be taken for adhering to the earlier order dated June 24, 2022 passed in CRM (DB) 2009 of 2022.

Accordingly, CRM (DB) 2173 of 2023 is disposed of.

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

(Supratim Bhattacharya, J.)

(Tirthankar Ghosh, J.)