

18.08.2023
Serial no. 3
[G.S.D]

CRM (SB) 161 of 2023

In re : An Application for **Bail** under Section **439** of the Code of Criminal Procedure in connection with Swarupnagar P.S. Case No. 488 of 2022 dated 14.05.2022 under Sections 188 of the IPC and 14 Foreigners Act and 12 Passport Act corresponding to G.R. No. 1988 of 2022 and S.C. No. 359 of 2022.

-And-

In the matter of : Pradip Halder @ Maharaj Hawlader

... .. Petitioner

Mr. Kalyan Kumar Bhattacharjee
Ms. Sahina Khatun

... .. For the Petitioner

Mr. N. Ahamed
Ms. Trina Mitra

... ..*For the State*

The Registrar (Judicial Service), High Court, Calcutta, has submitted a Report, which is on the foundation of Learned Additional District & Sessions Judge, Fast Court-III-In-Charge, Basirhat, North 24 Parganas, wherein it has been categorically stated that the order dated 20th September, 2022 passed in CRM (SB) 220 of 2020 was never communicated to the Court for comply with the order(s)/direction(s), which were passed therein.

The petitioner is in custody for 509 days. The charges are serious under the Foreigners Act and Passport

Act. The petitioner, who is in custody, is entitled to expeditious disposal, as per the settled proposition of law.

The Legal Remembrancer, West Bengal and the Learned Judicial Secretary, West Bengal, is directed to take steps, so that, immediately, Learned Public Prosecutor is engaged in connection with the trial of Swarupnagar P.S. Case No. 488 of 2022, as the order-sheets reflect that the case is being dragged for the absence of the Learned Public Prosecutor.

So far as the bail application is concerned, this Court is not inclined to allow the prayer for bail only on the ground that the petitioner is in custody for 509 days.

With the aforesaid observations, CRM (SB) 161 of 2023 is dismissed.

Pending application(s), if any, is also dismissed.

The Learned Trial Court is directed to communicate with the Legal Remembrancer, West Bengal and the Learned Judicial Secretary, West Bengal, if, within a week from date, no Public Prosecutor is engaged for participating in the proceedings.

All efforts be taken to inform the Learned Trial Court, which is, *in seisin*, of the matter regarding the engagement of the Learned Public Prosecutor and a schedule be adhered to for taking the trial to its logical conclusion.

Parties to act on a server copy of this order duly collected from the official website of the Hon'ble High Court, Calcutta.

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

(Tirthankar Ghosh, J.)