

13.10.2023

Item No.72
Ct.No.34
dc.

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION**

C.R.R. 3746 of 2023

In the matter of : **Mujibar Rahaman @ Sk Mujibar Rahaman**
... Petitioner.

Mr. Amartya Ghosh,
Mr. Sanat Kumar Das,
Mr. Sujan Chatterje ... For the Petitioner.

Mr. Ghosh, learned advocate appearing for the petitioner has canvassed on the issue relating to the order dated 11.09.2023 passed by the learned Chief Judicial Magistrate, Howrah in connection with Panchla Police Station Case No. 289 of 2021 dated 23.08.2021.

The subject-matter of the present revisional application relates to Section 167(2) of the Code of Criminal Procedure wherein, according to the learned advocate for the petitioner, after the expiry of the statutory period, bail was granted to the petitioner. However, as the bond could not be furnished and in the interregnum period, charge-sheet was submitted, the learned court in seisin of the matter refused to accept the bond.

I find that some observations were made by the Hon'ble Division Bench of this Court on 04.09.2023 in CRM (DB) 3458 of 2023. Having considered that the petitioner was already granted bail and the final outcome of the revisional application would be related to an order granting or refusing bail in respect of prescribed punishments which are above seven years, I am of the view that the petitioner ought to

canvass his points under Section 439 of the Code of Criminal Procedure before the Division Bench.

With the aforesaid observations, the revisional application being CRR 3746 of 2023 is disposed of.

Pending connected application, if any, is consequently disposed of.

All concerned 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 with all requisite formalities.

(Tirthankar Ghosh, J.)