

24.11.2023
Serial no. 214
[G.S.D]

CRR 4297 of 2023

In the matter of : Toymuddin @ Taimuddin Akanda
... .. Petitioner

MR. D. ACHARYYA
MR. SITAL SAMANTA

... FOR THE PETITIONER

Mr. Anowar Hossain

... for the State

The petitioner is directed to serve upon Mr. Anowar Hossain, Ld. Advocate, who ordinarily appears on behalf of the State. His appearance may be regularised by the concerned authority.

Ld. Advocate for the petitioner submits that two of the accused persons were acquitted in connection with the instant case, as such, the prayer of the petitioner for quashing may be considered in the background of the evidence, which has surfaced in the present case.

The records of the case reflect that the petitioner earlier applied for anticipatory bail, which was rejected by this Hon'ble Court. So far as the petitioner is concerned the case against him was filed and thereafter the trial proceeded against the rest of the accused persons. So far as the principles of quashing are concerned, the acquittal of co-

accused is not a ground for quashing the proceedings of an absconding accused, even if, he is on the same footing.

The petitioner intends to surrender before the jurisdictional Special Court. In case, the petitioner surrenders, in that case, the Id. Trial Court who had the occasion to deal with the merits of the case, is of the opinion that the custodial trial of the petitioner is not warranted, then the Id. trial Court would exercise its discretion and thereafter arrive at its conclusion.

With the aforesaid observations, CRR 4297 of 2023 is disposed of.

Pending application, if any, is also disposed of.

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