

03.10.2023
Court No.1
SL No.36
pk/AP

**HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI**

CRM(DB) 516 of 2023

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Kotwali (Jalpaiguri)** P.S. Case No. **119 of 2017** dated **19.02.2017** under Sections **370(5)/420/417/468/120(B)/34** of the IPC read with Sections **75/80/81** of the Juvenile Justice (Care and Protection of Children) Act.

And

In the matter of: **Chandana Chakraborty**

....Petitioner.

Mr. Sourav Ganguly

...For the Petitioner.

Mr. Aditi Shankar Chakraborty

Mr. Subhasish Misra

...For the State.

1. Supplementary affidavit filed on behalf of the petitioner is taken on record.
2. The application for bail is made on the ground that the petitioner is in custody for more than six and half years.
3. It appears from the records that the one of the co-accused has approached the Hon'ble Supreme Court in Special Leave Appeal (Criminal) No.10354 of 2022. By an order dated 22nd February, 2023 the Hon'ble Supreme Court had requested the Trial Court to conclude the trial within a period of six months from 22nd February, 2023.
4. Learned counsel for the State submits that they have about 73 witnesses of which 29 have been examined till date.

5. Learned counsel for the petitioner also placed an order dated 27th September, 2023 passed by the Additional Sessions Judge, 1st Court at Jalpaiguri where the Court expressed dissatisfaction at the snail's pace on which the prosecution has conducted the matter.

6. This Court disappointed with the prosecution. A request from the Hon'ble Supreme Court or the High Court on a subordinate Court is required to be treated as an order.

7. Given the fact that the petitioner is incarcerated for more than six and half years as an under trial prisoner, this Court directs the trial to be completed mandatorily and positively by 31st December, 2023.

8. It is made absolutely clear that in default, the petitioner shall be entitled to apply for bail and this Court would be seriously considering granting the same to all the accused persons in custody.

9. Having carefully considered the case diary and evidence on records, this Court is not inclined to grant bail to the petitioner.

10. The application for bail is, thus, rejected.

(Rajasekhar Mantha, J.)

(Supratim Bhattacharya, J.)