

August 6, 2024

13 ARDR

CRR 554 of 2024

CRAN 1 of 2024

Iltush Ahmed

Vs.

The Central Bureau of Investigation & anr.

Adv. Prantick Ghosh,
Adv. Prasad Bhattacharyya,

...for the petitioner.

Adv. Amajit De,

...for the CBI.

Affidavit of service filed on behalf of the petitioner is taken on record.

By consent of the parties, the revisional application is taken up for consideration.

Heard learned counsels for the parties.

The petitioner is aggrieved by the order passed by the learned Judge, Special (CBI) Court no.1, Calcutta in Special (CBI) case no. 4 of 2017 on 22nd January, 2024 rejecting the prayer of the petitioner under Section 239 of the Code of Criminal Procedure on an observation that since a similar prayer for discharge filed by co-accused Atanu Mitra was rejected by the Court on 20th December, 2019 “there is no petition under Section 239 Cr.P.C. is left pending for hearing”.

It is crystal clear that the prayer for discharge filed by the petitioner on 18th February, 2021 was not considered by the learned trial Court at all.

This Court fails to understand on what logic the petition was turned down even without consideration of the same.

In view of the above, the order impugned dated 22nd January, 2024 passed by the learned trial Court in Special (CBI) case no. 4 of 2017 is set aside/quashed.

The learned trial Court is directed to consider and dispose of the application for discharge dated 18th February, 2021 filed by the petitioner pending before him upon granting reasonable opportunity of hearing to the concerned parties, in accordance with law.

The revisional application, being CRR 554 of 2024 and the connected application being CRAN 1 of 2024 are disposed of.

Urgent certified website copy of this order, if applied for, be given to the parties, upon compliance of all requisite formalities.

(Suvra Ghosh, J.)