

10-04-2024
Subha
Item no.85
Ct no.34

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

CRR 1286 of 2024

Gopinath Das
-versus-
The Central Bureau of Investigation

Mr. Sabir Ahmed
Mr. Shraman Sarkar
Mr. Dhiman Banerjee
Ms. Suman Biswas
....for the petitioner.

Mr. Anirban Mitra
...for the CBI/opposite party.

Petitioner is aggrieved by the issuance of warrant of arrest by the learned special court in connection with Special Case No. 08 of 2009. The said warrant of arrest was issued on 05-02-2024.

Record reflects that the case is of the year 2009. Learned advocate appearing on behalf of the petitioner submits that an application under Section 205 of the Code of Criminal Procedure was filed and the same was resisted by the CBI.

Mr. Mitra, learned advocate for the CBI draws the attention of this court to the relevant objections so raised as the application under Section 205 of the Code of Criminal Procedure was not accompanied with any medical documents.

Be that as it may, if the learned special court from the records finds that the petitioner was earlier on bail in that case if he appears and surrenders before the court by 30th April, 2024, he may be allowed to continue on the same bail and bond.

Thereafter, if the petitioner files an application under

Section 205 of the Code of Criminal Procedure with the undertaking as has been prescribed by the Hon'ble Supreme Court, in that case the learned trial court would consider the objections raised by the CBI and dispose of the same in accordance with law.

The learned trial court will also take into account that if physical identification of the accused regularly is not required and he undertakes that he would not challenge the same before any appellate forum then in that case the court would leniently consider the regular appearance of the petitioner until and unless without the physical presence of the petitioner the trial court cannot proceed.

However, if the petitioner do not appear on or before 30th April, 2024, the learned trial court would be at liberty to resort to harsher process of law by adhering to Section 82 of the Code of Criminal Procedure.

With the aforesaid observations, the present revisional application being CRR 1286 of 2024 is disposed of.

Pending applications, if any, are consequently disposed of.

All concerned parties are to act in terms of a copy of this order duly downloaded from the official website of this court.

[Tirthankar Ghosh, J]

