

26-04-2024
Subha
Item no. 12
Ct no.34

IN THE HIGH COURT AT CALCUTTA
Criminal Miscellaneous Jurisdiction
Appellate Side

CRM (SB) 93 of 2023

In the matter of : An application for cancellation of bail under Section 439(2) of the Code of Criminal Procedure.

**Sri Asish Kumar Saha
-Versus-
The State of West Bengal and Anr.**

Mr. Debasish Kar

.....for the petitioner.

Mr. Arijit Ganguly

...for the State.

Mr. Abdur Rakib

Ms Namita Basu

...for the O. P No.2.

Status report submitted by Mr Ganguly, learned advocate for the State be kept with the record.

The report reflects that chargesheet was submitted on 31-10-2022. Pursuant to the same, the petitioner surrendered in the month of September, 2022. Thereafter he was not present and warrant of arrest was issued. Subsequently, the bail of the accused was granted by the learned ACJM, Barrackpore. Petitioner filed an application for cancellation of bail. The learned Magistrate on an apprehension of slow progress of the case, was pleased to observe that since chargesheet has been submitted custodial detention is unwarranted and refused to cancel the bail.

I do not find any illegality in the order so passed by the learned Magistrate in view of the chargesheet having been submitted and the investigating Agency did not require the custody of the accused.

However, having regard to the merits of the case, I am of the view that main case/trial should proceed expeditiously. Accordingly, the learned Magistrate is directed to expedite the process of trial by immediately taking steps for supply of

copies and fixing date for consideration of charges.

Having considered the nature of the allegations, the learned trial court in seisin of the matter would fix at least one date in every forty five days if after consideration of charge the learned trial court is of the opinion that trial of the case should proceed.

The Public Prosecutor appearing in the case would produce the materials, documents and exhibits on the dates fixed for examination of the witnesses concerned.

With the aforesaid observations, the present application for cancellation of bail being CRM (SB) 93 of 2023 is disposed of.

Pending applications, if any, are 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]