

02.01.2024
Item no. 45
Ct.34
(Suvendu)

CRAN 1 of 2023
In
CRM (SB) 160 of 2023

In Re: An application for recalling of the order dated 30.11.2023 passed in CRM (SB) 160 of 2023.

And

In the matter of: Hena Seth

.Petitioner.

Mr. Supriyo Chattopadhyay
Ms. Debosree Chatterjee

For the Petitioner.

Mr. Bitasak Banerjee

For the State.

Re. CRAN 1 of 2023

Mr. Supriyo Chattopadhyay, learned advocate appearing on behalf of the petitioner submits that for reasons beyond his control he could not be physically present on two occasions, i.e. on 10th August, 2023 and 30th November, 2023 and as such, this Court was pleased to dismiss the application for cancellation of bail being CRM (SB) 160 of 2023.

I have perused the pleadings in the application and I find that the reasons involve medical grounds and as such, the application for recalling the order dated 30th November, 2023 is allowed.

Consequently, CRAN 1 of 2023 is allowed.

Re. CRM(SB) 160 of 2023

The state is represented by Mr. Bitasak Banerjee, learned advocate.

So far as merits of the case is concerned, attention of this Court has been drawn to the order dated 27th June, 2023 when the Investigating Officer on conclusion of investigation submitted charge-sheet in connection with Durgapur Police Station Case No. 126 of 2023. The Opposite Party No. 2, at the relevant point of time when the charge-sheet was submitted, was in custody and the learned Magistrate took cognizance of the offence and directed for production of the accused on a subsequent date.

However, an application was filed on behalf of the Opposite Party no. 2 praying for bail.

Learned advocate for the State raised no objection and the main thrust of contention for the prayer of bail was that as the charge-sheet had been submitted after conclusion of investigation there was no further reason for detaining the Opposite Party No. 2 further in custody.

Consequently, the learned ACJM, Durgapur was pleased to allow the prayer for bail.

Mr. Chattopadhyay, learned advocate appearing on behalf of the petitioner submits that the Opposite Party No. 2 has forged the concerned title deed. He submits that the Opposite Party No. 2 is a very influential person, which would be reflected from the order itself wherein the learned advocate for the State raised no objection for his bail.

The learned advocate for the petitioner submits that the de facto complainant is married and is staying at Malda while the Opposite Party No. 2 is a permanent resident of Durgapur and will be able to tamper with the evidence of the case.

I have considered the submissions for cancellation of bail and on merits I find that the learned ACJM, Durgapur has applied his mind on allowing the prayer for bail as the case was based on documents and the investigating agency on being satisfied on the documentary materials has submitted the charge-sheet. In cases of such nature where the documents are foundation of a criminal case, the accused has hardly any scope to tamper with the documentary evidence. Till date nothing has been shown before

this Court that any of the witnesses of this case has been threatened.

The Opposite Party No. 2 is enjoying bail since 27th June, 2023 and more than six months have passed since then.

Having considered the totality of the circumstances, I am of the opinion that this is not a fit case for interfering with the bail granted to the Opposite Party No.2.

Accordingly, the prayer for cancellation of bail is rejected.

However, the learned trial court is directed to ensure that the charges are considered by June, 2024 and if the Court is of the opinion after considering the charges that the trial of the case should continue in that case one date at least be fixed in every 45 days so that the trial of the case can reach its logical conclusion within a reasonable period of time.

CRM (SB) 160 of 2023 is disposed of with the above observations.

Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertakings.

All parties to act on the server copy of this order downloaded from the official website of this Hon'ble Court.

(Tirthankar Ghosh, J.)

