

10-05-2024
Subha
Item no. 14
Ct no.34

IN THE HIGH COURT AT CALCUTTA
Criminal Miscellaneous Jurisdiction
Appellate Side

CRM (SB) 218 of 2023

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

**Naviya Real Estate Pvt. Ltd.
-Versus-
The State of West Bengal and Anr.**

Mr. Lokesh Sharma	for the petitioner.
Mr. Tanmoy Kumar Ghosh	
Ms. Trina Mitra	...for the State.
Mr. Sabyasachi Banejee	
Mr. Anirban Dutta	
Ms. Priyanka Mukherjee	...for the O. P No.2.

Record of this case reflects that the charge sheet in connection with instant case was submitted on 16th September, 2022 under Sections 120B,424,406 IPC against the three accused persons namely Anil Bhutoria, Jagrit Bhutoria and Rajesh Kumar Pandey.

Pursuant to the order passed by this court in CRM(SB) 92 of 2023, the present petitioner approached the learned Metropolitan Magistrate, 9th court, Calcutta who considered and rejected the prayer for cancellation of bail.

Having regard to the fact that the charge-sheet was submitted in the year 2022 and the consideration of the learned Magistrate was after one year from the said date, I am of the view that the observations made by the learned Magistrate that taking the accused to custody at the belated stage is unwarranted do not call for any interference.

However, having regard to the fact that the case is of the year 2018, I direct the learned trial court to consider the charges at an earlier date preferably within a month from the next date so fixed.

The learned trial court will also take into account whether the fact of the case do make out a case for further proceeding at the time of consideration of charges.

With the aforesaid observations, the present application for cancellation of bail being CRM (SB) 218 of 2023 is disposed of.

Pending applications, if any, are disposed of.

Report so submitted by the learned advocate for the State be kept with the record.

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]