

03.05.2024
Court No.01
Item No. 18

CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI

sg

CRM (DB) 123 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with New Jalpaiguri Police Station Case No.955 of 2021 dated 19.08.2021 under section 498A/302 IPC.

And

In Re: **Sanjit Barman**

Petitioner

Mr. Hillol Saha Podder
Ms. Mousumi Das

For the Petitioner

Mr. Ujjwal Luksom
Mr. Aniruddha Biswas
Ms. Namrata Das

For the State

1. It is submitted on behalf of the petitioner that due to long incarceration of the present accused petitioner, the instant application for bail may be considered favourably especially, the case before the learned Trial Court is based on circumstantial evidence and extra judicial confession.
2. The learned Counsel for the State, however, opposes the prayer for bail. He admits that the learned Trial Court is lying vacant now.
3. Considering the entire materials as placed in the case diary, we are not inclined to exercise our discretion under Section 439 of the Code of Criminal Procedure and the prayer for bail of the present petitioner is, thus, rejected.

4. However, considering the fact that the Trial Court is now lying vacant, we direct for transfer of the Session Case no. 104 of 2023 from the file of learned Session Judge, 3rd Court (Special Court), Jalpaiguri to the Court of learned Sessions Judge, Jalpaiguri.
5. The learned Sessions Judge, Jalpaiguri is hereby requested to consider the charge within a period of fortnight from the date of receipt of the said case record and/or from the date of communication of this order, whichever is earlier with a further request to conclude the trial preferably within a year from the said date, in the event the charge is framed.

(Soumen Sen, J)

(Partha Sarathi Sen, J)