

Court No. 1

03.05.2024

(JPD 5)

(S. Banerjee)

Calcutta High Court

In the Circuit Bench at Jalpaiguri

Appellate Side

CRM (DB) 226 of 2024

^c
In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with Matelli Police Station Case No. 49 of 2021 dated 20.04.2021 under Section 302 of Indian Penal Code.

And

In the matter of: Krishna Mahali

...petitioner

Mr. Arjun Chowdhury

... for the petitioner

Mr. Aditi Shankar Chakraborty

Mr. Aniruddha Biswas

... for the State

1. Heard learned counsel for the parties.
2. On perusal of the entire materials as placed before us it appears to us that there are sufficient incriminating materials as against the present accused-petitioner in the case diary.
3. In such view of the matter, we are not inclined to exercise our discretion under Section 439 Cr.P.C. in favour of the present petitioner.
4. Accordingly, prayer for bail is considered and rejected.
5. Before parting with, we like to place on record that we are highly dissatisfied with the progress of the trial.
6. It is reported that the court of the learned Additional Sessions Judge, 3rd Court, Jalpaiguri is lying vacant.

7. In view of such we direct for transfer the case records of the Sessions Case No. 103 of 2021 from the file of learned Additional Sessions Judge, 3rd Court, Jalpaiguri to the learned Sessions Judge, Jalpaiguri.
8. Learned Sessions Judge, Jalpaiguri is hereby directed to conclude the trial preferably within a period of one year from the date of communication of this order.
9. Let a copy of this order be forwarded to the learned trial court and learned transferee Court for their information and compliance.
10. The Investigating Officer is hereby directed to take appropriate steps for ensuring the appearances of all the charge-sheeted witnesses and Alamats on each date of hearing without fail. He is further directed to remain present on each date of hearing before the learned trial court.
11. Learned Registrar, Jalpaiguri Circuit Bench is directed to communicate this order to the Superintendent of Police who has to ensure the compliance of this order by the IO of the Matelli Police Station Case No. 49 of 2021 dated 20.04.2021.
12. CRM(DB) 226 of 2024 is thus disposed of.

(Soumen Sen, J.)

(Partha Sarathi Sen, J.)