

16.05.2024
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sl no. 23

**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI**

C.R.A. (DB) 73 of 2023

In Re : A memorandum of Appeal under section 21(4) of the NIA Act.

In Re : Md. Mukhtar Alam @ Md. Muktarappellant

Mr. Pratap Khati
Ms. Chanda Jha
Ms. C Rai

..... For the appellant

Mr. Vinod Agarwal
Mr. Debanjan Das

..... For the NIA

1. Appellant is in custody for almost four years. He submits there is inordinate delay in trial. Only six witnesses have been examined. Prosecution proposes to examine 80 witnesses. No high value Fake Indian Currency Notes (FICNs for short) recovered from his possession. His complicity is based on legally untenable evidence. Hence, he prays for bail.
2. Learned lawyer for the NIA submits appellant is a member of a terrorist gang which was dealing in high value counterfeit currency and thereby threatening economic security of the nation. Appellant has telephonic conversations and monetary transactions with co-accused. Large volume of high value counterfeit notes over Rs. 4,00,000/- was recovered from Golam Martuja. Some of the accused are facing trial on similar charges in Patna. As a result, there was delay. Presently, accused are appearing through video linkage and witnesses have been examined. Bail prayer of co--accused Jakir Sekh was turned

down by a co-ordinate Bench in December 2023. Prosecution assures this court that they will streamline the list of witnesses and conclude the trial within 18 months subject to co-operation by defence and other systemic delays.

3. We have considered rival submission of the parties. It is true appellant is in custody for almost four years. But delay in the matter is not due to recalcitrance of prosecution. Co-accused are facing trials on similar charges in Patna. As a result, trial could not commence. Presently, co-accused have appeared through video linkage and trial has commenced. Prosecution relies on telephonic conversations and monetary transactions between the appellant and the co-accused Golam Martuja from whom a large volume of high value FICNs was recovered. Bail prayer of co-accused Jakir Sekh was turned down in December 2023. Under such circumstances, appellant has failed to make out a case either on merits or on the score of delay.

4. We request the trial court to conduct trial with utmost expedition and conclude the same preferably within 18 months from next date fixed before it in light of the assurance given by the prosecutor.

5. Parties shall cooperate with the trial court and communicate this order for due compliance.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)