

21.11.2025
p.b.
S.L. No.69.
Ct. No.23.

CRR 1407 of 2016
With
CAN 1 of 2016 (Old CAN 1914 of 2016)

Sushil Kumar Agarwal (Dalmia)
Vs.
The State of West Bengal & Ors.

1. From the report of Assistant Registrar – XII, it appears that service report of Shri Roy mentioned that he reached the given address on 12.11.2025 and after reaching the mentioned address on one in the locality could recognize the summonee and on asking the locals they told Shri Roy that the mentioned address is not specific following that the summonee could not be traced hence the notice could not be served.
2. It further appears from the death certificate of opposite party no.2 Nurul Islam has been received from the learned Judge-in-Charge, Nezarth Department, Jalpaiguri, wherefrom it appears that the opposite party no.2, i.e. Nurul Islam had died on 04.12.2018.
3. This case pertains to the year 2016, i.e. almost nine years have been passed.
4. The petitioner challenged the order dated 15th April, 2016, passed by the learned Chief Judicial

Magistrate, Jalpaiguri in CRR 401 of 2011 pending before the learned Chief Judicial Magistrate, Jalpaiguri under Section 138 of the N. I. Act.

5. By the said order, the learned Magistrate rejected the prayer for confirmation of ad interim bail of the petitioner and directed the petitioner's appearance and payment.

6. Considering the nature of prayer, aforesaid facts and long pendency of this case, this Court deems it fit to dispose of this case on merit on the basis of materials available on record.

7. Upon perusal of the impugned order, it appears the accused person, namely, Sushil Kumar Agarwal (Dalmia) was initially allowed ad interim bail by the Trial Court. On the date fixed on 15th April, 2016 without appearing personally, the learned counsel for the petitioner made a prayer for confirmation of his interim bail on the ground stated therein.

8. Upon hearing the learned counsel, the Trial Court has rejected the prayer for confirmation of ad interim bail at this stage after extending the same up to the next date fixed i.e. on 10th May, 2016 and directed to make appearance.

9. Considering the entire facts and circumstances and the impugned order, this Court finds there is no infirmity in the order passed by the Trial Court. The

Trial Court did not confirm the ad interim bail only on the basis of the application filed by the petitioner without his presence. It is discriminatory power of the Court. Therefore, the order impugned is calls for no interference.

10. Consequently, the **CRR 1407 of 2016** is, thus, **dismissed**.

11. All connected applications, if any, are also dismissed.

12. The interim order, if any, stands vacated.

13. All parties shall act in terms of the copy of the order duly downloaded from the official website of this Court.

(Ajay Kumar Gupta, J.)