

15.07.2025

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C.R.M. (M) 393 of 2025

In Re : An Application under Section 439 of the Code of Criminal Procedure/under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Manikchak Police Station Case No. 454 of 2023 dated 20.06.2023 under Sections 302/34 of the Indian Penal Code.

And

In Re : Sarban Mahaldar @ Shraban Mahaldar

Mr. Sourav Chatterjee
Mr. Mayukh Majumder
... For the Petitioner.

Mr. P. P. Das
Mr. Raju Mondal
... For the State

Learned counsel for the petitioner submits that the petitioner is in custody for more than 2 years. The prosecution proposes to examine 20 witnesses. There is remote possibility of the trial being concluded in near future. Despite direction of this Court for expeditious trial, trial has not proceeded much.

Learned counsel for the State opposes the prayer.

I have considered the material on record.

By an order passed on 2nd September, 2024 this Court turned down the prayer of the petitioner considering the material on record. By the said order the learned trial Court was directed to expedite the entire process in accordance with law so that the trial could be concluded at an early date. Despite such direction, only charges have been framed on 3rd June, 2025 and 10th July, 2025 was fixed for recording evidence. The next date for evidence has been fixed on 14th August, 2025.

In view of the incriminating material on record, the petitioner is not entitled to bail at this stage.

However, considering his period of incarceration, the learned trial Court is directed to expedite the trial without granting any unnecessary adjournment to either of the parties, in accordance with law.

The application for bail is disposed of.

Case diary be returned.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)