

GR(S)/1063/2022

CNR NO. WBCS02-135985-2022

Arising out of Hare Street PS Case No. 260 dated 13.09.2022

Present :

Koustuv Mukhopadhyay

Chief Judicial Magistrate, Calcutta

J.O Code – WB01059

Order dated : 19.10.2024

Today is fixed for evidence/ appearance/ production.

Three accused persons are on CB and they are present.

Four accused persons are produced from PC Home.

Bail prayer is made with respect of accused no. 8 Debki Nandan Sharma.

Ld. Advocate on his behalf submits that this accused has not moved any petition for bail before any higher court u/s 439 of Cr. P. C.

He prays for bail on the ground of long detention.

Ld. PP submits that this accused has not tested his luck by moving a bail petition u/s 439 of Cr. P. C but the other three accused persons in custody have already got their bail rejected by Hon'ble Court and this accused is also standing on the same footing with them for which he opposes the prayer for bail.

It appears from the record that recently one accused person got bail from Hon'ble Supreme Court of India and another accused person got bail from Hon'ble High Court, Calcutta.

But considering the over all circumstances of this case and the limitation of the undersigned, I am inclined to reject the prayer for bail.

Coming to the point of recalling petition on behalf of accused no. 8, I hold that on last occasion ie 05.10.2024 this court did not find any merit behind the adjournment petition made on behalf of accused no. 8 for which this court rejected the same keeping in mind the solemn observation and direction of Hon'ble Court to conclude the trial by December 2024.

While rejecting the time prayer this court observed that the same was made in the most mechanical manner devoid of any substance.

I reiterate that no medical paper was submitted to support the cause of illness of Ld. Conducting Advocate on 05.10.2024.

More surprisingly today also no such paper has come from the side of accused no. 8.

There appears to be no reason to deviate from my earlier observation dt. 05.10.2024 and I also find no reason to change my view regarding non maintainability of the adjournment petition dt. 05.10.2024.

Above all there is a solemn direction of the Hon'ble Court regarding disposal of this matter within a specific period of time and this court cannot flout the same by allowing an adjournment petition or recalling an order in the mechanical manner.

Accordingly, I am not recalling my order dt. 05.10.2024 as I find no reason whatsoever to deviate from my observation dt. 05.10.2024.

The recall petition is rejected and it is to be mentioned that the prosecution had strong objection against the prayer for recall.

There is another prayer for supply of copy of statement of witnesses recorded u/s 161 of Cr. P. C and it is made from the side of accused no. 8.

The prosecution has no objection and the IO undertakes to supply the same and hence I hold that the dispute regarding supply of copy is resolved.

The prosecution submits that the witness namely Arijit Maitra was supposed to depose today as PW but he prays for time till 26.10.2024.

No one seems to have any objection against the same and accordingly his prayer is allowed.

The next date is fixed on 28.10.2024 for evidence of PW-30 Arijit Maitra.

To date for evidence/appearance/production.

D/C

Chief Judicial Magistrate
Calcutta.