

GR 3144 of 2015(Reg.2283 of 2018)
J.O. Code: WB01022
CNR NO.WBDD020010192023



Present:- Sri. Gairik Roy
Chief Judicial Magistrate, Howrah
JO Code:-WB01022

Order dated 25.02.2026,:-

Accused **Kutubuddin Gaji @ Kutub** is produced under arrest on the strength of W.A and he is taken into custody and remanded to **J/C till 07-03-2026**.

Bail petition has been filed by the Ld. Lawyer for the accused person.

Heard Ld. Lawyer for the accused person. Ld APP raised objection to such prayer.

Perused the case record. It is axiomatic that the accused person was granted bail but has misused the liberty granted to him, which prompted this court to issue W/A against the accused person, moreover, it appears **vide order dated 17-01-2026**, witness was also present being one public servant but he cannot be examined due to non-appearance of this accused and having no other alternative the warrant of arrest was issued. It is further worthy to mention that the accused moved before the learned Sessions Judge, Howrah against the order of issuing WA dated 17.01.2026 vide **Cr. Misc Case No.206 of 2026** under section 482 of **Bhartiya Nagrik Suraksa Sanhita, 2023** but the said Cr. Misc Case was disposed of by the Learned Sessions Judge, Howrah with a direction to the accused to surrender before this court and the same was also not complied by the accused person and ultimately, the accused person is brought under arrest today. That being case, I think it will not be condign to enlarge the accused person on bail as doing so might thwart the course of trial. **Hence the prayer for bail is rejected at this stage.**

At this juncture, I find that it is fit case for custody trial and examination of witness has already been started. I am also not unmindful regarding the right of the accused person under detention. *It is worthwhile to mention here that as per the mandate of Constitution speedy disposal is the fundamental right of the accused persons. This court must hoist that right and must also act in accordance with section 309 of Code of Criminal Procedure, 1973 read with Case Flow Management Rules, High Court Rules 2006. Hence being pioneered by the above delineations, I have no dichotomy to truncate or snip the fact and any other view will transgress the clear verdict of law, accordingly, let the summons be issued at once to PW-01 Sirshendu Kundu at once, presently, posted as O.C, Kumargunj police station, Dakshin Dinajpur.*

The witness is also at liberty to depose by taking recourse of video conferencing mode or physical mode.

Let a copy of this order be sent to PW-01 Sirshendu Kundualong with summons through Superintendent Of Police, Dakshin Dinajpur through email only, for his information and causing service of summons upon the witness.

Let a copy of this order be sent to PW-01 Sirshendu Kundualong with summons through email only.

To 07-03-2026 for production of the accused person through the medium of electronic video linkage and further cross-examination of PW-01 **Sirshendu Kundu**.

Dictated by me;

Chief Judicial Magistrate
Howrah

Chief Judicial Magistrate
Howrah