

Order dt.11.07.24.

Today is fixed for production and opening of sealed envelope.

The record is taken up for accordingly.

The accused is produced today from J.C.

There are three separate applications submitted today, one is for the accused Ranit Acharaya praying for bail, the second one for the accused Apur Kuamr Shaw, Prasenjiot Hari, Sachin Toshniwal praying for a direction upon the IO to supply those documents which were not relied upon while submitting the C.S and the third one is for the Salasar Nirman Seba Pvt Ltd praying for de-sealing the premises situated at AG Info Solutions Pvt Ltd, New Town Square, Unit no. 4L, 4th Floor, Chinar Park, Atghara, Kolkata-7000136 in favour of the person namely Saurav Tater claiming to be the owner of the said premises.

Three applications are heard separately.

Be it mentioned here that Ld. Special P.P remain all along present.

1) Regarding the prayer for bail application for the accd, Ld. Advocate for the accd submitted that the accd has been languishing behind the bars for more than 2 years and as such he is entitled to be released on bail as there is no chance of immediate commencement of trial. He pointed out that although evidence of PW1 was started the other preferred an application before the Hon'ble Apex Court whereby the proceedings before this court was stayed and as such he further added that as there is no possibility of immediate commencement of trial (the evidence of the PW 1 was started on 10.07.23) , he is entitled to be released on bail.

In reply the Ld. Special P.P raised vehement objection on the ground that the delay was ensued not because that the accd had been languishing behind the bar simplicitor, but there are no of occasions the proceedings before this court was stayed by the Hon'ble High Court, Calcutta and Hon'ble Supreme Court, India. Moreover, it appears that the applications for bail U/s/439 CrPC filed by this accd were turned down by the Hon'ble High Court twice.

In the above premises, as the Hon'ble High Court has turned down the application for bail and there is no such development since thereafter regarding the nature and texture of the matte this application should be rejected.

Hd both sides.

Considered.

Perused the instant application and the materials on record.

I think there is substance in the submission of Ld. Special P.P.

Considering the above aspect, the prayer for bail is rejected at this stage.

2) Regarding the second application, the Ld. Special PP submitted that the charge was framed on 13.01.23 and on 23.12.22 copies of the relevant documents were supplied to the petitioner/accd persons accordingly. The list of non relied documents were also appended with. At that time the instant accd did not agitated anything and charge was

framed accordingly. Now they have preferred this application banking upon the decisions of Manu Sharma v State of Delhi,

I have also heard the Ld. Advocate for accd.

Considered.

Perused the application, the citation referred and also the materials on record.

It appears that the charge was framed on 13.01.23 and in the said Judgment the Hon'ble Apex Court held that the documents not relied upon by the IO should be supplied to the accd persons, so that they can ventilate their point at the time of framing of charge. According to Rule.91A of CrRO the same has been ratified . Therefore, at this juncture submission of the instant application is nothing but a contributory to the further delay in course of justice. However, as the Ld. Special PP has submitted that there is a chance of submission of supplementary CS, Ld. Advocate for the defence may avail copies of those documents by taking recourse to prescribed procedure of law . Hence, the application is disposed of.

3) Regard to the third application I have head both sides.

Considered.

Perused the materials on record. During submission Ld. S.P.P pointed out that the above mentioned premises was given under license to the accd and it is not clear whether the license is still persisting or not.

In the above premises he raised question regarding return of the said premises in favour of the original owner. However, considering submission of both sides I would like to prefer an inquiry in this regard by the IO directing him to submit a detailed report in this regard on the next date.

During submission Ld. S..P.P also mentioned that copies of the previous order on 07.05.24, 29.06.24 were not communicated to the concerned authority and for that reason compliance of those orders could not be executed. He prayed for transmission of those orders

Considered.

The BC-I is hereby directed to immediately transmit copies of those order to the concerned authority.

To 22.07.2024 for production and report.

Urgent certified copy to be supplied to the accd Ranit Acharaya.

Dictated by,

ACJM

ACJM.,Bidhannagar