

Special Case No: 02 of 2024
(CIS No.02/2024)
CNR No: WBSP01-000587-2024
Present: Subhra Som Ghosal (J.O Code: WB00984)

Order No. 05, dated:12.03.2024.

Accused Koushik Maity @ Kaushik Maity on interim bail is present by filing hazira.

As stipulated by previous order today is fixed for appearance and final report.

The accused person by filing a petition has also prayed for confirmation of the interim bail granted to the accused persons.

The de facto complainant is also present and has filed hazira in order to mark his presence before this Court.

The Ld. Public Prosecutor-in-charge is also present.

The learned advocate for the accused person submitted that the accused person has never violated the conditions imposed by this court and has all times manifested his intention to cooperate with the investigating officer and hence the interim bail granted to the accused person may be confirmed.

The prayer was opposed by the learned advocate for the de facto complainant.

The prayer for confirmation was also opposed by the Ld. Public Prosecutor-in-charge.

Heard learned advocates for the accused person, the Ld. Public Prosecutor-in-charge as well as the de facto complainant.

Perused the case record. The CD is not available today. In absence of the CD the prayer for confirmation of the interim bail cannot be aptly adjudicated.

It has transpired that the case is pending for report in final form. Considering the facts and circumstances of this case and the right bestowed upon the de facto complainant as per section 15A of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (since amended), I am of the opinion that the CD is required to be called for and perused so that the avowed object of fair investigation and speedy dispensation of justice is hoisted at any cost. Here I must hasten to articulate this exercise by this court is fortified by Section 156 sub-section (3) of the Code of Criminal Procedure 1973 as interpreted by the Hon'ble Supreme Court in ***Sakiri Vasu Vs State 2008 (1) SCC (Cri) 440*** and ***T.C.Thangaraj v. versus Engammal, 2012 (1) SCC (Cri) 568*** and followed in ***Smt. Namita Naskar vs. State of West Bengal (Calcutta) 2014 (3) WBLR 669***. It has been held by the Hon'ble High Court as follows:

“5. It is, therefore, clear that in course of investigation/further investigation, if the Magistrate is of the opinion that effective investigation is not being done by the Officer-in-charge of a police station, he may monitor the same and issue directions upon the latter to effectively investigate the crime. Such power in a given case where complexities of investigation require better forensic skill or technique shall include direction upon the officer in charge to take recourse to such skill or technique, if necessary in the interest of justice.”

Considering the facts exposted before me, this Court is of the view that it will not be condign to confirm the interim bail of the accused person at these stage. Hence the interim bail granted to the accused person is extended till the next date.

The Investigating Officer is directed to submit a report as regards development done in his investigation and he should stay present with the CD on the next date.

To 16.04.2024 for appearance of the accused person and final.

Typed to the dictation directly;
corrected on the system.

Sd/-Subhra Som Ghosal
Additional District and Sessions Judge,
01st Court, Alipore, South 24 parganas.

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