

11.01.2024
Item No.7
gd

CRAN 2 of 2023
in
CRR 283 of 2023
JOGENDRA NATH BARMAN
Vs.
SWARAJ SARKAR & ANR.

Mr. Nabankur Paul

...for the Petitioner.

Mr. Sudipta Kumar Mazumdar,
Mr. Tapas Ch. Bhattacharya,
Mr. Subjhajyoti Ghosh

..for the Respondent No.1.

This is an application for relaxation of the conditions contained in the order dated October 16, 2023 by virtue of which the interim order of stay was extended subject to deposit of Rs.7 lakhs.

The petitioner cites the extreme financial crisis as a reason for which he could not arrange the balance sum of Rs.4.5 lakhs and also that the petitioner is in custody.

After hearing the learned advocates for the parties and considering the averments made in the application, this court is of the considered view that the said condition can be relaxed.

There shall be an interim order of stay of the judgment and order dated 19th December, 2022 passed by the learned Additional Sessions Judge, 2nd Court, Siliguri, District-Darjeeling in Criminal Appeal No.16(1)/2019 subject to deposit of a sum of Rs.3 lakhs within a period of three weeks from date.

There shall be an unconditional order of stay of the appellate order for a period of three weeks.

In the event the deposit as directed hereinabove is made within the aforesaid time limit, the order of stay shall continue till the end of March, 2024 or until further orders, whichever is earlier.

List this matter before the Circuit Bench commencing on and from 12th February, 2024.

On deposit of the amount as directed by this court, the learned Trial Judge shall consider the prayer for bail of the petitioner in accordance with law.

With the above directions, CRAN 2 of 2023 stands disposed of.

(HIRANMAY BHATTACHARYYA, J.)