

ITEM NO.1

COURT NO.7

SECTION II

S U P R E M E

C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Cr1) No(s).9703/2010

(From the judgement and order dated 26/07/2010 in  
10383/2010 of The HIGH COURT OF CALCUTTA)

CRM No.

SOHEL AHAMMED MONDAL

Petitioner(s)

VERSUS

STATE OF WEST BENGAL

Respondent(s)

(With appln(s) for ad-interim ex-parte bail, bail and office  
report)

Date: 18/01/2011

This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE HARJIT SINGH BEDI  
HON'BLE MR. JUSTICE CHANDRAMAULI KR. PRASAD

For Petitioner(s)

Mr. Partha Sil, Adv.  
Mr. Kunal Chatterjee, Adv.  
Mr. Shyam D. Nandan, Adv.  
Mr. Soumik Bose, Adv.

For Respondent(s)

Mr. Tara Chandra Sharma, Adv.  
Ms. Neelam Sharma, Adv.

UPON hearing counsel the Court made the following  
O R D E R

Leave granted.

The appeal is allowed in terms of the signed  
order.

(KALYANI GUPTA)  
SR. P.A.

(VINOD KULVI)  
COURT MASTER

Cr1.A. No. 199 of 2011 @ SLP(Cr1) 9703 of 2010

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[SIGNED ORDER IS PLACED ON THE FILE.]

Cr1.A. No. 199 of 2011 @ SLP(Cr1) 9703 of 2010

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CRIMINAL APPEAL NO. 199 OF 2011  
[ARISING OUT OF SLP (CRL.) NO. 9703 OF 2010]

SOHEL AHAMMED MONDAL

..... APPELLANT

VERSUS

STATE OF WEST BENGAL

..... RESPONDENT

[WITH CRIMINAL MISCELLANEOUS PEITION NO. 389 OF 2011 -  
APPLICATION FOR AD INTERIM BAIL]

O R D E R

1. Leave granted.

2. We have heard the learned counsel for the parties.

3. We see from the order of the High Court which has been impugned before us, that the appellant had applied for bail for an offence punishable under Section 14 of the Foreigners Act. A prayer had been

made by the State counsel for an adjournment in order to verify the genuineness or otherwise of the documents that had been filed along with the bail application. Instead of granting this prayer, which was opposed by the counsel for the appellant and also instead of hearing or adjourning the matter, the Bench dismissed the application on a consideration of the materials collected during the police investigation. We find

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that in the facts of the case, it would be appropriate that the matter be remanded to the High Court for decision afresh. We, accordingly, allow this appeal,

set aside the order dated 26th July, 2010, which has been impugned, and remit the case to the High Court.

We clarify that nothing said herein would be a reflection on the merits of the controversy.

.....J  
[HARJIT SINGH BEDI]

.....J  
[CHANDRAMAULI KR. PRASAD]

NEW DELHI  
JANUARY 18, 2011.