

(2012) 05 CAL CK 0049
In the Calcutta High Court
Case No : C.R.M. 7885 of 2012
In Re: Jakir Khan @ Jaker

Date of Decision : 14-05-2012

Acts Referred:

Penal Code, 1860 (IPC) — Section 380, 420

Citation : (2012) 05 CAL CK 0049

Hon'ble Judges : Kanchan Chakraborty, J

Bench : Single Bench

Advocate : Pushpal Satpathi, for the Appellant; Amarta Ghose for the State of W.B., for the Respondent

Judgement

Kanchan Chakraborty, J.—This accused, namely, Jakir Khan alias Jaker, son of Ajij Khan, was arrested by D.R.B.T. Cell, C.I.D., West Bengal on the requisition of the Investigating Officer, Shri Sushil Ingale of Worli Police Station, Mumbai, in connection with Worli Police Station Case No. 203 of 2011 dated 12.07.2011 under Sections 380/420 of the Indian Penal Code. It appears that Inspector Ingale of Worli Police Station had given one written requisition to the Special Superintendent of Police, C.I.D., West Bengal to trace out and effect arrest of the accused in connection with the abovementioned case. On requisition, Jakir was arrested by D.R.B.T. Cell, C.I.D., West Bengal on 04.04.2012. His arrest was informed to the Worli Police Station, Mumbai. He was produced before the learned Additional Chief Judicial Magistrate, Chandannagore, on 05.05.2012 and remanded to Judicial Custody. On 07.05.2012, one S.I. of Worli Police Station appeared before the learned Additional Chief Judicial Magistrate, Chandannagore and prayed for passing necessary order of Transit Remand of the accused Jakir Khan with a view to produce him before the learned Metropolitan Magistrate at Mumbai. On 07.05.2012 the learned Additional Chief Judicial Magistrate, Chandannagore directed the said S.I. of Worli Police Station to appear before the Court together with the accused Jakir Khan. Heard Mr. Satpathi, learned advocate for the petitioner. Mr. Satpathi prays for interim order of bail so that Jakir Khan may appear in the Court of Worli at Mumbai.

2. Mr. Ghose, learned advocate for the State of West Bengal, vehemently opposes the prayer for bail and submits that he should not be granted bail as he is required in the case of Worli Police Station at Mumbai and to be produced before the learned Metropolitan Magistrate, Court No. 29 at Mumbai.

3. Perused the papers and C.D. Also perused the order of the learned Magistrate dated 07.05.2012. It was not understood why the accused was not handed over to the Worli Police Station. The Investigating Officer of the case has come to Chandannagore from Worli Police Station in order to take this accused to Mumbai for producing him before the learned Metropolitan Magistrate, Court No. 29, at Mumbai in connection with Worli Police Station Case No. 203 of 2011. There was no reason to retain the accused in Chandannagore, specially when the prayer has been made to that effect and he is not connected with any other case in Chandannagore.

4. Taking everything into consideration, I think that it would be proper and wise to hand over the accused, Jakir Khan to the Inspector Sushil Ingale of Worli Police Station, Mumbai so that he can take him to Mumbai and produce him before the learned Metropolitan Magistrate, Court No. 29 as early as possible. The learned Additional Chief Judicial Magistrate, Chandannagore is to pass an order in this tune on receipt a copy of this order. Accordingly, the prayer for bail is rejected. The learned Additional Chief Judicial Magistrate, Chandannagore must see that adequate police force is given to Mr. Ingale on the transit.

5. This application stands disposed of. Let photostat plain copy of this order, duly countersigned by the Assistant Registrar (Court), be given to the learned advocates for the parties upon usual undertaking.