
(2020) 06 CAL CK 0034

In the Calcutta High Court

Case No : Criminal Revision (CRR) No. 1047 Of 2020, ?CRAN 2331 Of 2020

Smt. Sanu Rai @ Tamang

APPELLANT

Vs

State

RESPONDENT

Date of Decision : 05-06-2020

Acts Referred:

Citation : (2020) 06 CAL CK 0034

Hon'ble Judges : Rajasekhar Mantha, J

Bench : Single Bench

Advocate : Kalipada Das, Saswato Gopal Mukherjee, Prasun Kumar Dutta

Final Decision : Dismissed

Judgement

Rajasekhar Mantha, J

The petitioner undertakes to affirm and stamp the petition/application as per Rules within 48 hours of resumption of normal functioning of the Court. Subject to such undertaking, the application is taken up for hearing through Video Conference.

The instant revisional application is directed against the order dated 5th May, 2020 passed by the learned Additional Sessions Judge, 2nd Court, Jalpaiguri by which the bail application of the petitioner was rejected and the Public Prosecutor, (even when an application was granted 45 days extension) to file charge-sheet.

The principal reason why the charge-sheet was not submitted was that the report from the Drug Laboratory was not available to the Public Prosecutor.

Counsel for the petitioner relies upon the decision of the Hon'ble Supreme Court in the cases of Hari Vishno Thakur - Vs. - The State of Maharashtra reported in AIR 1994 Supreme Court 2623 particularly paragraph 22; Sanjay Kedia - Vs. - Intelligence reported in AIR 2010 Supreme Court (Supplementary) 744 particularly paragraph 14 and Uday Mohanlal Acharya - Vs. - The State reported

in AIR 2001 Supreme Court 1910 particularly paragraph 48.

The said decisions are distinguishable in the facts of the case. By placing reliance of the aforesaid judgment, Counsel for the petitioner says that the petitioner is entitled to bail not only on the ground of completion of 300 days in custody but also for the failure on the part of the Public Prosecutor to take effective steps for seeking extension of time for completing the investigation.

Having heard the parties and after having considered the pleadings on record, it appears that the principal ground on which the charge-sheet has not filed till date is in receipt of suitable report on the substances seized from the petitioner from the concerned Drug Laboratory.

In those circumstances, this Court directs the concerned Drug Laboratory and particularly, the Director thereof, to supply a report on the samples received from the Investigating Officer of the case in connection with the case against the petitioner within 45 days from the date of receipt of a copy of this order mandatorily and positively.

Upon receipt of such report, the Public Prosecutor shall file a final report/charge-sheet in the matter within ninety days thereof.

With the above observations, the instant revisional application of the petitioner shall stand disposed of.

In view of the disposal of the instant revisional application, the connected application being CRAN 2331 of 2020 shall stand rejected.

All parties are directed to act on a server copy of this order on usual undertakings.