

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION



CRIMINAL APPEAL NO(S). _____ OF 2023
(ARISING OUT OF S.L.P. (CRIMINAL) NO(S).10043 OF 2023)

BANAMALI CHOUDHURY @ BANAMALI CHAUDHURI

APPELLANT(S)

VERSUS

THE STATE OF WEST BENGAL

RESPONDENT(S)

O R D E R

Heard the learned counsel appearing for the parties.

Leave granted.

The occurrence is of the year 1983 which is forty years old now. There are reasons and reasons why the trial was delayed. The trial came to an end with the order of conviction of the appellant on 21st April, 2023. The appellant was throughout on bail. The present age of the appellant is about 75 years.

The appeal before the High Court has been admitted for final hearing. Considering the delay in disposal of the trial, the fact that the occurrence is of the year 1983 and the present age of the appellant, he deserves to be enlarged on bail, pending the final disposal of the appeal before the High Court on appropriate stringent terms and conditions. By setting aside the impugned order dated 17th May, 2023, we request the High Court to fix appropriate stringent terms and conditions on which the appellant shall be enlarged on bail, pending the final disposal of the appeal.

Normally, this Court should not issue a direction to a Constitutional Court and for that matter to any court, to fix a

time schedule to decide any case. However, this case has a peculiar feature that the trial has taken forty years to conclude.

We, therefore, request the High Court to give out of turn priority to the disposal of the appeal in accordance with law.

We are informed across the Bar that the appellant is a member of the Bar. He is, therefore, expected to ensure that the order of this Court is scrupulously implemented and the appeal is disposed of expeditiously. Therefore, we direct that the appellant shall not seek adjournments on any unreasonable grounds and shall cooperate with the High Court for early disposal of the appeal. In the event, the hearing of the appeal is delayed on account of the default on the part of the appellant, it will be open for the respondent to apply to the High Court for cancellation of the bail.

We accordingly allow the Appeal on the above terms.

.....J.
(ABHAY S.OKA)

.....J.
(PANKAJ MITHAL)

NEW DELHI;
September 25, 2023.

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 (Crl.) No(s). 10043/2023

(Arising out of impugned final judgment and order dated 17-05-2023 in CRAN No. 1/2023 in CRA (DB) No.113/2023 passed by the High Court of Calcutta)

BANAMALI CHOUDHURY@ BANAMALI CHAUDHURI Petitioner(s)

VERSUS

THE STATE OF WEST BENGAL Respondent(s)

(IA No. 193401/2023 - FOR AD-INTERIM ORDER TO RELEASE THE PETITIONER)

Date : 25-09-2023 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE ABHAY S. OKA
HON'BLE MR. JUSTICE PANKAJ MITHAL

For Petitioner(s) Mr. Jayant Sud, Sr. Adv.
Mr. Rana S Biswas, Adv.
Mr. Dinabandhu Choudhary, Adv.
Mr. Ardhendu Ghosh, Adv.
Ms. Aarushi Singh, Adv.
Mr. Shreyash Lalit, Adv.
Mr. Kartik Jasra, Adv.
Mr. Shivam Nagpal, Adv.
Mr. Prannit Stefano, Adv.
Mr. Sunil Kumar Sharma, AOR

For Respondent(s) Mr. Sunil Fernandes, Adv.
Mr. Sanjeev Kaushik, Adv.
Ms. Priyanshi Sharma, Adv.
Ms. Diksha Daddu, Adv.
Ms. Astha Sharma, AOR

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

Leave granted.

The Appeal is allowed in terms of the signed order. The operative portion of the order reads thus:

"The appeal before the High Court has been

admitted for final hearing. Considering the delay in disposal of the trial, the fact that the occurrence is of the year 1983 and the present age of the appellant, he deserves to be enlarged on bail, pending the final disposal of the appeal before the High Court on appropriate stringent terms and conditions. By setting aside the impugned order dated 17th May, 2023, we request the High Court to fix appropriate stringent terms and conditions on which the appellant shall be enlarged on bail, pending the final disposal of the appeal."

Pending application stands disposed of accordingly.

(ASHISH KONDLE)
COURT MASTER (SH)

(AVGV RAMU)
COURT MASTER (NSH)

[THE SIGNED ORDER IS PLACED ON THE FILE]