

13.12.19

Sl. No.7

akd

[Rejected]

C. R. M. 9557 of 2019

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 26.09.2019 in connection with Farakka Police Station Case No. 148 of 2019 dated 08.04.2019 under Sections 448/326/307/302 of the Indian Penal Code. (G.R. Case No.649 of 2019)

And

In Re: ***Najir Momin @ Nazir Momin –vs.- State of West Bengal***

Mr. Sekhar Basu .. Sr. Advocate

Mr. Subrata Guha Biswas .. Advocate

... .. for the petitioner

Mr. Saikat Banerjee .. Advocate

... for Registrar General, High Court
Calcutta

Mr. Saswata Gopal Mukherjee .. Ld. Public Prosecutor

Mr. Ranabir Ray Chowdhury .. Advocate

Mr. Mainak Gupta .. Advocate

... .. for the State

Pursuant to our earlier direction, Director General & Inspector General of Police, West Bengal is personally present before this court. His presence is noted and dispensed with.

Director General & Inspector General of Police, West Bengal has affirmed an affidavit wherein it is stated that Director General of Police (Correctional Homes), West Bengal is in control of the project of video linking the correctional homes with the courts and police stations. It is stated that 18 correctional homes had been linked to the district courts till date.

Affidavit has been filed on behalf of the Registrar General of this court. It appears from the affidavit that 19 district courts are connected to 18 correctional homes in the State of West Bengal. District court in Andaman & Nicobar Islands is connected to its sole correctional home.

Purpose of video linkage between correctional homes, courts and police stations is to ensure seamless and quick production of undertrials via video linkage in order to avoid systemic delays arising out of infrastructural deficiencies like absence of vehicle and staff for physical production of undertrials. A committee of Hon'ble Judges of this Court is supervising the implementation of this wholesome project.

Affidavits placed before us however, disclose a tardy progress in the matter. All correctional homes in the State of West Bengal do not have video linkage facilities. At the end of judiciary, situation is equally disturbing. Although video conferencing equipments and/or facilities are available in the Video Conferencing Room in the district court precincts, no such facility is available in the court rooms of the concerned courts i.e. courts of the learned Chief Judicial Magistrates, Additional Chief Judicial Magistrates and Special Courts where remand cases are heard. In the absence of such facility, production of undertrials via video linkage remains a theoretical exercise on pen and paper. A single point video conferencing facility available in a video conference room is of little help to the remand courts who have to deal with a large number of remand cases on a daily basis for remanding undertrial prisoners in addition to dealing with undertrials who are on bail in the same or other cases. In order to ensure that such facility is not a mere illusion but an effective tool for ensuring speedy justice through prompt production of undertrials via video linkage, it is necessary that the linkage be extended to the court rooms of learned

Chief Judicial Magistrates, Additional Chief Judicial Magistrates and Special Courts and not restricted to the video conferencing room only.

Learned advocate appearing for the Registrar General informed us that steps are being taken for more effective operationalisation of the video linkage system.

Learned Public Prosecutor submits that steps are afoot for extending video linkage to other correctional homes.

A more elaborate affidavit on behalf of the Registrar General, High Court, Calcutta disclosing the extent of video linkage penetrability in the judiciary on a court to court basis be filed on the next date of hearing.

As we are informed that the matter is under the supervision of Director General of Police (Correctional Homes), West Bengal, he is directed to submit further affidavit with regard to extending video linkage to all correctional homes.

Registrar General and the State Government shall impress on the service provider and other authorities involved in the matter of developing the project to take immediate steps for implementation and operationalisation of the project at the earliest.

Let this matter appear under the same heading on **2nd April, 2020**.

In Re : C. R. M. 9557 of 2019

Pursuant to our earlier direction, Investigating Officer is personally present before this court. His presence is noted and dispensed with.

We are informed that the case has been committed to the Court of Sessions and charge has been framed. Date has been fixed for recording prosecution evidence on 6th January, 2020.

Having considered the materials on record disclosing prima facie involvement of the petitioner in the alleged crime, we are of the opinion that this is not a fit case to grant bail to the petitioner at this stage.

The application for bail is thus **rejected**.

However, in view of the protracted period of detention suffered by the petitioner, we direct the trial court to take necessary steps for conclusion of trial at the earliest preferably within one year from the next date fixed for recording of evidence without granting unnecessary adjournment to either of the parties.

Let photostat plain copy of this order duly countersigned by the Assistant Registrar (Court) be handed over to the parties on usual undertaking.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)