

28.02.2024
01(SL)
Ct. No. 33
KAUSHIK

**C.R.R. 1921 of 1997
CRAN 1 of 2020 (Old CRAN 1325 of 2020)
CRAN 2 of 2022
CRAN 5 of 2023**

In Re. Ashok Biswas & anr.

... petitioners

Mr. Amarta Ghose
Mr. Souri Ghosal
Mr. Siddhartha Paul
Mr. Souryadeep Ghosh
... for the petitioners

Ms. Ruby Mukherjee
... for the Opposite Party No. 1(a)

Mr. N. P. Agarwala
Mr. Pratick Bose
... for the State

This matter has been taken up on mentioning through a supplementary cause list.

Learned advocate for the O.P. No. 1(a) Sri Sandip Chandra submitted before the Court that the appellant was not informed of his appearance before the Court through the concerned police station. The O.P. No. 1 had appeared before the Court on 14th November, 2023 and through his learned advocate submitted to file an affidavit and accordingly his personal appearance was dispensed with. On 19th December, 2023, the learned advocate for the O.P. No. 1(a) sought for further time to comply with the filing of the affidavit as

aforesaid and the next date was fixed on 9th January, 2024. On 9th January, 2024, the learned advocate for the O.P. No. 1(a) did not appear nor was his affidavit filed.

The instant revisional application appeared for hearing on 30th January, 2024 when the O.P. No. 1(a) was not present or represented. The next date was fixed on 28th February, 2024 with a direction upon the concerned police station to produce the O.P. No. 1(a) before the Court. The Sub-Inspector of Police, Lake P.S. has submitted a report dated 28th February, 2024 through the Office of the Registrar Administration (Lawazima & Office Management), High Court stating that the premises of the O.P. No. 1(a) was found to be under lock and key. He further learnt from the local people that the appellant no. 1(a) was out of the city and over phone communicated him the next date of hearing. The said report be kept on record.

The report of the S.I. of Police, Lake P.S. dated 28th February, 2024 is contradictory to the submission of the learned advocate representing O.P. No. 1(a), who in open Court submitted that police did not contact her client in presence of the learned advocate for the petitioner, learned advocate for the State, Mr. N. P. Agrwala and others.

The Registrar Administration (L&OM) is to immediately intimate the concerned S.I. of Police, Lake P.S., who submitted the report dated 28th February, 2024 to appear before this Court and explain the veracity of the report as well as the

statement of the O.P. No. 1(a) along with the production of the O.P. No. 1(a) before the Court on the next date of hearing.

Let the matter be fixed on **6th March, 2024**.

Interim order granted earlier be extended till 6th March, 2024.

Copy of the order be communicated to the Office of the learned Registrar Administration (L&OM) for due compliance.

(Ananya Bandyopadhyay, J.)