

CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH
AT JALPAIGURI
CRIMINAL REVISIONAL JURISDICTION
APPELLATE SIDE

The Hon'ble **JUSTICE SUVRA GHOSH**

CRR 15 of 2019

Ismail Miah @Gani Miah

- VERSUS -

The State of West Bengal

For the Appellant/Petitioner:

Mr. Kiran Kumari Mahato, Adv.,

Mr. Nazar Choudhury, Adv.,

Mr. S. Alam., Adv.,

For the State: Mr. Aditi Sankar Chakraborty, Id. A.P.P

Mr. Sourav Ganguly, Adv.

Heard on: 22-04-2019

Date: April 22, 2019

SUVRA GHOSH, J.:-

1. Liberty is granted to the petitioner to correct the date of the impugned order in the cause title of the application.

2. The present revisional application has been directed against the impugned order dated 22.01.2015 passed in G.R. Case No. 963 of 2010 whereby the trial court has ordered issuance of warrant of arrest against the petitioner as the petitioner was found absent in court on the said date by filing an application which was rejected by the court.
3. Learned advocate for the petitioner submits that the petitioner was granted bail by the court on 22.12.2010 and the petitioner remained present before the trial court almost regularly on every date of hearing of the case till 2015 and it was only one occasion, i.e., on 22.01.2015 that the petitioner failed to attend the court. An application for adjournment was submitted by his learned advocate which was considered and rejected by the court. The petitioner prays for setting aside the impugned order and undertakes to appear in court on a regular basis henceforth.
4. The State is represented and draws the attention of the court to the copies of the order sheets appended to the instant case. It is found that the petitioner was granted bail on 22.12.2010. He failed to appear before the court on 22.01.2015 for which an adjournment was prayed for on his behalf before the court. His prayer for adjournment was rejected by the learned trial court. By

the impugned order dated 22.01.2015, the learned trial court issued warrant of arrest against the petitioner on the said date.

5. It appears that the petitioner filed the instant revisional application only on 27th March, 2019 and made no attempt to surrender before the learned trial court after his prayer was rejected and warrant of arrest was issued against him. He was deliberately absconding for a period of more than four years, thereby resulting in delay in trial of the case. The conduct of the petitioner is far from satisfactory and does not call for any favourable order at this stage.
6. There is no illegality or irregularity in the impugned order that calls for any interference by this court and the learned trial court rightly issued warrant of arrest against the petitioner on the relevant date by the impugned order. It is also recorded that the case was fixed for consideration of charge and the charge could not be framed by the learned trial court due to absence of the petitioner.
7. Upon such consideration C.R.R.15 of 2019 is dismissed without any order as to costs.
8. Urgent photostat certified copy of this order, if applied for, shall be given to the parties upon compliance of usual formalities.

(Suvra Ghosh

J.)