

**CRR 1345 of 2020
IA No. CRAN 1 of 2020
(Via Video Conference)**

Tinku Ghoshal @ Bhuto
-vs-
State of West Bengal

Mr. Shekhar Barman..
... For the petitioner.

Mr. S. G. Mukherjee, Learned PP,
Mr. Arijit Ganguly,
...For the State.

The petitioner is wanted in connection with Ashoke Nagar Police Station Case No. 97 of 2005 dated 20.04.2005 wherein a warrant has been issued against the petitioner vide impugned order dated 14th February, 2020 which is under challenge in this revisional application.

The learned advocate for the petitioner submits that the petitioner is a law abiding, peace loving citizen of India having a permanent address who is an accused in connection with the case under reference for the heinous crime under Section 302 with other sections altogether. The ground taken in the revisional application is that after submission of charge-sheet the learned ACJM took cognizance against seven accused persons on 1st March, 2007 but the learned court did not inform the petitioner through notice.

My attention is invited to the order dated 1st March, 2007 which reflects that the charge-sheet No. 38 dated 28th February, 2007 under Sections 302/120B/34 IPC was submitted against as many as seven accused persons including the present petitioner and cognizance was taken on the same day. The petitioner and the other accused persons prior to the charge-sheet being received by the ACJM was granted bail with two sureties of Rs.2500/- each by the learned Sessions Judge, so the petitioner and other accused persons were in the knowledge of the submission of the charge-sheet against them. But the petitioner absented from attending court of learned ACJM in breach of bail privilege granted to the petitioner and he merrily continued to absent himself and has been successful in delaying the trial of the session case as even today the case has not been committed to the court of sessions as the petitioner absconded.

At last the learned ACJM by his order dated 14.02.2020 directed issuance of warrant against the petitioner as other six accused persons were present and copies were supplied to them. Situation is no doubt grim in respect of a crime of murder for which, our society remain under fear.

Now the petitioner has come before this Court for stay of the operation of the order impugned thereby to recall the warrant of arrest.

Giving an anxious consideration to the dismal conduct of the petitioner who misused the privilege of bail and

serious nature of the offence and finding serious objection from the side of the State /opposite party, the revisional application be rejected and dismissed.

This Court is of the view that the trial now be held by putting the accused behind bar. The Magistrate directed to commit the case to the court of sessions for trial.

In the context above, the prayer for recall of the warrant of arrest is refused and the revisional application being CRR 1345 of 2020 is dismissed.

(Shivakant Prasad, J.)