

Sr. 12
23-12-2020
s. d.
ct, no.42

CRR 1378 of 2020
with
CRAN 1 of 2020

In Re : **Md. Omar @ hati raja and anr..... petitioners.**

In the matter of : An application under Sections 397/401
read with Section 482 of the Code of Criminal Procedure.

Mr. Angshuman Chakraborty
.....for the petitioners.

Mr. Saibal Bapuli, APP
Mr. Arijit Ganguly
.....for the State.

The petitioners are aggrieved by the judgement and order passed in Criminal Revision No. 16 of 2020 wherein the learned Sessions Court was pleased to set aside the order dated 25.08.2020 passed by the learned Judicial Magistrate, 5th Court in Charge of learned Additional Chief Judicial Magistrate, Sealdah in connection with the Narkeldanga P. S. Case No. 222 of 2020 dated 16.08.2020(G. R. Case No. 2035 of 2020).

The petitioners are aggrieved by the fact that they were not afforded any audience at the time of hearing of the revisional application.

The petitioners further submit that there has been a subsequent compromise effected between the parties.

In view of such submissions made by the learned advocate for the petitioners, I direct that the petitioners would surrender before the learned Additional Chief Judicial Magistrate, Sealdah on 28.12.2020. The learned Additional Chief Judicial Magistrate, Sealdah would consider the factum of compromise and also the order passed in respect of bail in Narkeldanga P. S. Case No. 221 of 2020 dated 16.08,2020(G. R. Case No. 2034 of 2020) and thereafter impose conditions if at all required by the learned court while granting bail. So far as the other issues relating to compromise are concerned, this Court is not in a position to interfere with the merits of the case and as the chargesheet has already been submitted, the petitioners would be at liberty to canvass the points at the appropriate stage of the trial.

The order of the learned Additional Sessions Judge, 1st court, Sealdah, South 24 Parganas passed in Criminal Motion No. 16 of 2020 is set aside.

With the aforesaid observations, CRR 1378 of 2020 along with CRAN 1 of 2020 is disposed of.

The learned Additional Chief Judicial Magistrate, Sealdah is directed to act on the server copy of this order.

Urgent Photostat certified copy of this order, if applied for, be given to the parties upon compliance of all formalities.

(Tirthankar Ghosh, J.)