

22.12.2020  
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AB  
Ct. No.32

**IN THE HIGH COURT AT CALCUTTA**  
**CRIMINAL REVISIONAL JURISDICTION**  
**Appellate Side**

**Present:**

**The Hon'ble Justice Jay Sengupta**

**C.R.R. 1849 of 2020**  
**(Via Video Conference)**  
**Jayanta Dey**  
**Versus**  
**The State of West Bengal**

For the petitioner : Mr. Raja Biswas  
..... Advocate

For the State : Mr. Prasun Kumar Datta  
Mr. S. Deb Roy

.....Advocates

Heard lastly on : 22.12.2020

Judgment on : 22.12.2020

**Jay Sengupta, J.:**

This is an application praying for stay of the operation of the order dated 08.02.2008 issuing warrant of arrest and proclamation against the petitioner.

Let a copy of this application be served upon Mr. Prasun Kumar Datta and Mr. Santanu Deb Roy, learned advocates, who are present in Court today and who ordinarily appears on behalf of the State. Their engagement may be regularised in due course by the competent authority of the State.

Learned counsel appearing on behalf of the petitioner submits as follows: In connection with the present proceeding under Section 307 and 498A read with Section 34 of the Indian Penal Code, the petitioner had prayed for bail before this Court. By an order dated 15.02.2007 passed in C.R.M. 1516 of 2007, this Court was pleased to grant him bail, inter alia, on the condition that the petitioner shall attend the trial Court on each and every date fixed by the Court. Thereafter the petitioner appeared before the learned trial Court on one occasion. However, since the petitioner was working in Dubai, he had to go there. Due to miscommunication with the learned advocate who was conducting his case before the learned trial court, he was never asked to come back home. In fact, the learned counsel told him that the case had been dropped and all the other co-accused had been acquitted. However, pursuant to a process issued from India, the Dubai Police arrested the petitioner and he was released on bond in September, 2020. The petitioner wants to join the proceeding at the earliest.

Learned counsel appearing on behalf of the State opposes the application and submits that the petitioner had been absconding since long. He did not even comply with the condition imposed by this Court to attend the learned trial Court regularly.

I have heard the submissions of the learned counsels appearing for the petitioner and the State and have perused the revision petition.

First, no application for condonation of delay has been filed in challenging an order of 2008.

On merits, it appears that in spite of having knowledge about the condition of bail to attend the learned trial Court regularly, the petitioner appeared there only once. Thereafter, he remained absconding for nearly 12 years. Had he not been arrested by the Dubai Police, possibly this application would not have seen the light of the day.

In view of the above, I do not find any reason to interfere with the order of issuance of warrant of arrest and proclamation against the petitioner.

Accordingly, the revisional application is dismissed.

However, the petitioner shall be at liberty to surrender before the learned trial Court and attend the proceeding regularly. In the event the petitioner surrenders before the learned trial Court and prays for bail, his application for bail shall be considered in accordance with law.

With these observations, the revisional application is disposed of.

Urgent photostat certified copy, if applied for, be handed over to the parties upon completion with the requisite formalities.

**(Jay Sengupta, J.)**