

Sr.19
15-09-2021
Subha.
Court no. 34

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION
APPELLATE SIDE
(Via Video Conference)**

CRR 195 of 2012
CRAN 1 of 2013(Old CRAN 2719 of 2013)

In the matter of : Hari Kumar Pradhan & Ors.petitioners.

In Re : An application under Section 482 of the Code of Criminal Procedure.

Mr. Sourav Chatterjee
Mr. Shiladitya Banerjee
....for the petitioners.

Mr. Swapan Banejee
Mr. Suman De
....for the State.

The report submitted by the Officer-in-Charge, Matigara Police Station, Siliguri Police Commissionerate through the learned advocate appearing for the State be kept with the record.

The record of this revisional application reflects that on completion of investigation, chargesheet has been submitted before the jurisdictional court and warrant of arrest has been issued against the present petitioners.

It has been submitted that in view of the impediment in respect of the provisions relating to Section 18

of the Scheduled Caste & Scheduled Tribes(Prevention of Atrocities) Act 1989, the petitioners are helpless and are afraid of approaching the court, although there are indications that there are civil dispute in respect of a land and all the accused persons did not belong to the category of persons described under the said Act yet the provisions have been invoked.

Be that as it may, as the case was instituted in the year 2011 and the report of the police authorities reflects that the warrant of arrest has been issued against the accused persons who have been charge-sheeted, I am reluctant to interfere with the merits of the proceedings at this stage.

However, if the petitioners namely, 1.Hari Kumar Pradhan 2. Kishor Pradhan 3. Dipak Pradhan 4. Md. Ibrail @ Abrail 5. Krishna Singh 6. Raju Singh 7. Bablu Alam @ Aftab Alam surrender before the jurisdictional court by 8th October, 2021 they may be released on bail on such terms and conditions as the jurisdictional court thinks fit and proper.

In case the petitioners do not surrender within 8th October, 2021, the learned jurisdictional court will be at liberty to issue non-bailable warrant of arrest on the next working day so fixed.

The petitioners will be at liberty to agitate the points canvassed in this revisional application at the stage of consideration of charge before the jurisdictional court. The learned jurisdictional court will decide the issue without being influenced by any observations being made above.

With the said observations, the present revisional application being CRR 195 of 2012 is disposed of.

Department is directed to communicate this order within a period of seven days from date to the jurisdictional court.

Mr. Suman De, learned advocate appearing for the State is directed to hand over a copy of this order duly downloaded from the official website of this court to the Officer-in-Charge, Matigara Police Station, who will depute a police personnel for handing over a copy of this order to the petitioners so that they can take effective steps before the jurisdictional court.

All pending applications, if any, in connection with revisional application, are consequently disposed of.

Interim order, if any, is hereby vacated.

All parties are to act on the server copy of this order duly downloaded from the official website of this court.

(Tirthankar Ghosh, J.)