

01.12.2021

Item No.1

Ct.No.3

dc.

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

C.R.R. 153 of 2021
(Via Video Conference)

**Dil Kumar Chettri @ Dil Kumar Basnet & Ors.
versus
The State of West Bengal**

In Re: An Application under Section 401 read with Section 482 of the Code of Criminal Procedure.

Mr. Pratap Khati,
Ms. Bandana Rai

... For the Petitioners.

Mr. A. S. Chakraborty, ld. APP,
Mr. Nilay Chakraborty

... For the State.

Learned advocate appearing for the petitioners submits that for reasons beyond their control, they could not be physically present and there was a miscommunication with the learned lawyer representing them before the learned trial court. The learned advocate undertakes that the petitioners would abide by each and every condition so imposed by this Court in case their personal liberty is jeopardized.

Learned advocate for the State is present.

I have perused the order dated 16.08.2021 and I find that the learned trial court had no option, but to issue warrant of arrest as the witness was present and neither the present petitioners nor their lawyer was available.

Having regard to the undertaking given by the learned advocate appearing for the petitioners, I am of the view that although there was no illegality in the order of the learned

trial court, yet an opportunity must be granted to the petitioners so that their personal liberty is not jeopardized.

Accordingly, if the petitioners surrender by 31.01.2022 before the learned trial court, they should be allowed to continue on the same bail and bonds. However, this would not preclude the learned trial court from imposing any other condition which would ensure the presence of the petitioners on all subsequent dates. The warrant of arrest so issued be stayed till 31.01.2022.

In case the petitioners do not appear or surrender before the learned trial court by 29.01.2022, the learned trial court would be at liberty to exhaust harsher process of law on 01.02.2022.

With the aforesaid observations, CRR 153 of 2021 is disposed of.

All parties shall act on the server copy of this order duly downloaded from the official *website* of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Tirthankar Ghosh, J.)