

CRR 647 of 2022

In the matter of : Upen Baidya @ Pagal Baidya & Ors.

Mr. Manas Kumar Das                      ... for the Petitioners

Ms. Debjani Sahu                                      ... for the State

This is an application challenging the issuance of warrant of arrest against the present petitioners in G.R. Case No. 54 of 1996 pending before the learned Additional Chief Judicial Magistrate, Kandi, Murshidabad under Sections 143, 307, 308, 324, 325 of the Indian Penal Code.

Supplementary affidavit filed on behalf of the petitioners is taken on record.

Let a copy of the application and the copy of the supplementary affidavit be served upon Ms. Debjani Sahu, learned counsel who ordinarily appears on behalf of the State. She is requested to appear in this matter. Her engagement may be regularised by the competent authority of the State in due course.

Learned counsel appearing on behalf of the petitioners submits as follows. The petitioners are the accused in this case. They are daily labourers working at different places. They were granted bail in this case and, thereafter, regularly attended Court. On a particular occasion in 2013 the next date for hearing was not notified in time by the Bench clerk. As a result, the petitioners lost track of the case. They want to join the proceeding at the earliest.

Learned counsel appearing on behalf of the State submits that since the petitioners are absconding from 2013, the warrant of arrest issued against them ought not be stayed.

I have heard the submissions of the learned counsels for the parties and have perused the revision petition.

It appears that the petitioners are absconding since 2013. Therefore, the warrant of arrest issued against them should not be stayed.

However, the petitioners are directed to surrender before the learned Trial Court at the earliest.

In the event the petitioners surrender before the learned Trial Court and pray for bail, their application for bail shall be considered in accordance with law.

With these observations, the revisional application is disposed of.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)