

22.02.2022

Serial no. 43

Dd

CRM 2940 of 2021

In re : An Application for **anticipatory bail** under Section **438** of the Code of Criminal Procedure in connection with **G.R. Case no. 369 of 2007** arising out of **Khejuri** Police Station Case No. **45** of **2007** dated **31.07.2007** under Sections **148/149/326/307/302/379/427** of the Indian Penal Code.

-And-

In the matter of : **Sk. Supian @ Sk. Sufian & Anr.**
... ..**Petitioners**

Mr. Imtiaz Ahmed,
Ms. Indumouli Banerjee, Advocates
... .. For the Petitioner no.1

Mr. Ayan Bhattacharjee,
Ms. Mouni Yasmin, Advocates
... ..For the petitioner no. 2

Mr. Rajdeep Majumder
Mr. Kallol Mondal, Advocates
... ..For the aggrieved persons

Mr. Swapan Banerjee,
Ms. Purnima Ghosh, Advocates
... ..For the State

Petition is taken up subsequent to order dated February 15, 2022.

Both the petitioners are present in Court today. Both the petitioners are shown the Vakalatnama bearing the signatures. Both the petitioners admit in Court that the Vakalatnama originally filed with the petition was signed by the petitioners.

The petitioner no. 1 was present in Court on February 15, 2022. He claimed through his newly

appointed advocate then that the Vakalatnama was not signed by him. He was shown the Vakalatnama in Court on February 15, 2022. Despite the same, he claimed that it was not signed by him. On such date, he was sought to be represented by different sets of advocate than the person holding the Vakalatnama originally filed with the petition.

Today, the advocate in whose favour the original Vakalatnama was executed is present in Court. The persons who filed the Public Interest Litigation in respect of the police case are represented. State is also represented.

It transpires from the record that the petitioner no. 1 filed a Vakalatnama through a different advocate in the department. Such Vakalatnama was filed on February 14, 2022.

Under such circumstances, at present since there are two petitioners in the application and the petitioners are seeking to be represented by two different advocates, we find the present application to be not maintainable due to the subsequent conduct of the first petitioner.

CRM 2940 of 2021 is **dismissed**.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)