

D/L30
23.09.2022
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C.R.R 1026 of 1998

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

Ataur Hussain @ Ataul and others
Versus
The State of West Bengal

Mr. Tapan Dutta Gupta,
Mr. Parvej Anam.
...for the petitioners.

Mr. Madhusudan Sur,
Mr. Manoranjan Mahata.
...for the State.

Mr. Tapan Dutta Gupta, learned advocate, appears on behalf of the petitioners.

As none appears on behalf of the State, Mr. Madhusudan Sur, learned advocate, is directed to represent the State. His appointment may be regularised by the concerned authorities.

The grievance of the petitioners relates to an order dated 15th November, 2019 passed by the learned CJM, Malda wherein the name of the petitioners were struck down as surety/sureties from the register of the said court.

I find that the said orders were in adherence to an order passed in CRA 169 of 2014 by a co-ordinate Bench. The said order attained itself finality in the year 2015. To adjudicate the issue whether the petitioners would be re-instated as sureties in the revisional application pursuant to an application preferred before the learned CJM, Malda is not domain of this Court. Whether a person would be a surety or not a surety is maintained by the

learned CJM. Now, if the petitioners intend to continue as sureties, a fresh application may be filed before the learned CJM, Malda. Learned CJM, Malda will consider the same in his administrative capacity in accordance with law.

With aforesaid observations, CRR 1026 of 2021 is disposed of.

Pending application, if any, is consequently disposed of.

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

(Tirthankar Ghosh, J.)