

23.08.2022
Serial no.46
Dd

CRAN 1 of 2022
in
CRM (A) 2494 of 2022

In Re : CRAN 1 of 2022

In the matter of : Akshat Ajitsaria & Anr.
... .. Applicants

Mr. Debabrata Roy,
Ms. Sarbani Mukhnopadhyay, Advocates
... .. For the Appellants
Mr. Antarikhya Basu,
Ms. Madhumita Basak,
Ms. Sohini Bardhan, Advocates
... ..For the Petitioner (accused person)
Mr. Rudradipta Nandy, Id. APP
Ms. Sonali Das, Advocates
... ..For the State

Applicants pray for recalling of the order dated June 21, 2022.

Learned advocate appearing for the applicants submits that on June 21, 2022, he was not present in Court. However, the order records the presence of the de facto complainant, which is incorrect. Moreover, he submits that the matter appeared before the time specified by the order dated June 9, 2022 expired. He submits that the de facto complainant did not receive all the Streedhan articles.

State and the person enlarged on anticipatory bail are represented.

It is contended on behalf of the accused that, initially an interim protection was granted which was confirmed by this Hon'ble Court on June 21, 2022. He questions the maintainability of the application.

Initially, the accused was granted an interim protection. There is an order dated June 9, 2022 requiring the application for anticipatory bail to be listed. Apparently, the application for anticipatory bail was listed on June 21, 2022,

which is prior to the expiry of the time specified in the order dated June 9, 2022 for the application to be listed.

On June 21, 2022, none appeared for the de facto complainant although, the order records representation by the de facto complainant.

Therefore, there are errors apparent on the face of the record so far as the order dated June 21, 2022 is concerned.

Errors apparent on the fact of the record can be corrected, more so on the application of a party claiming to be affected by the errors.

Moreover, interim protection granted in favour of the accused on June 9, 2022 and anticipatory bail was granted on June 21, 2022. The accused took steps in terms of order dated June 21, 2022 and obtained regular bail from the jurisdictional Court.

In such circumstances, in order to protect the rival parties, it would be appropriate to recall the order dated June 21, 2022, however, on terms and conditions.

The order dated June 21, 2022 is recalled on the ground of errors apparent on the fact of record. It is placed on record that on June 21, 2022, the de facto complainant was not represented. The contention of the de facto complainant that all Streedhan articles were not recovered is also placed on record. The de facto complainant is given liberty to proceed in accordance with law with regard to the Streedhan articles.

Since the accused took steps in terms of order dated June 21, 2022, it would be appropriate to protect his interest also. All steps taken by the accused in terms of the order dated June 21, 2022 granting him anticipatory bail, will remain valid and will be treated to be in terms of the order granting him anticipatory bail.

CRAN 1 of 2022 in CRM (A) 2494 of 2022 is disposed of accordingly.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)