

Form J(2)

**IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction
Appellate Side**

**Present :
The Hon'ble Justice Bibek Chaudhuri**

CRR 2176 of 2022

**Jydeb Das & Anr.
Vs.
The State of West Bengal**

**For the petitioner : Mr. Niladri Sekhar Ghosh, Adv.,
Ms. Sompurna Chatterjee, Adv.,
Mr. Sourav Mondal, Adv.**

**For the State : Mr. Saswata Gopal Mukherjee, Ld. P.P.,
Mr. Imran Ali, Adv.,
Ms. Debjani Sahu, Adv.**

**Heard &
Judgement on : 06.07.2022.**

Bibek Chaudhuri, J.

Affidavit-of-service filed in Court today be kept with the record.

The petitioners were convicted and sentenced in SC 25/2006 corresponding to ST 12/2006 by the Learned Additional Sessions Judge, Arambag, Hooghly for committing offence under Sections 498A/323/448/506/307 of the Indian Penal Code.

Being aggrieved the convicted persons filed an appeal before this Court which was registered as CRA/445/2007 and this Court

passed an order on 24th August, 2007 suspending sentence and granting bail to the appellants/petitioners. However, a revisional application being 3911/2007 filed by the *de facto* complainant was pending on the date when order of bail was granted by this Court in CRA/445/2007. The said revisional application was dismissed for default on 29th July, 2021. Copy of the order dated 29th July, 2021 was sent to the Court below. On receipt of the copy of the aforesaid order the Learned Trial Judge issued warrant of arrest against the petitioners. The instant revision is for setting aside the order dated 21st May, 2022 passed by the Learned Additional Sessions Judge at Arambag in ST No. 12/2006 corresponding to SC No. 25/2006. Since CRA/445/2007 is still pending in this Court against the judgment and order of conviction and sentence passed by the Court below in the aforesaid Sessions case and the petitioners are enlarged on bail by this Court, the Trial Judge committed an apparent illegality in issuing warrant of arrest against the petitioners. Accordingly, the order dated 21st May, 2022 is set aside.

With the above order, the instant criminal revision is **disposed of.**

The petitioners are at liberty to intimate the Court below obtaining certified copy of the order.

(Bibek Chaudhuri, J.)

Srimanta, A.R.(Ct.)