

Form No. J(1)

IN THE HIGH COURT AT CALCUTTA

Criminal Revisional Jurisdiction

Present :

The Hon'ble Mr. Justice Bibek Chaudhuri

CRR 2222 of 2022

Layek Ali @ Laltu

-Versus-

The State of W. B.

For the petitioner : Mr. Milon Mukherjee, Sr. Advocate
: Mr. Dipayan Kundu

For the State :

Heard On: 11.07.2022

Judgment On: 11.07.2022

Bibek Chaudhuri, J.

The petitioner is an accused in connection with Malda Police Station Case No. 473/2017 under Section 21 © /25 and 29 of the Narcotic Drugs and Psychotropic Substances Act. Charge sheet was filed against the petitioner and six other accused persons by the police on the basis of which Special Case No.27 of 2017 was registered. On 28th February, 2018 the learned court below issued warrant of arrest against the present petitioner and another accused as they were shown as absconders in the charge sheet. On 12th March, 2018 I. C., Kaliachak Police Station forwarded a report stating inter alia that warrant of arrest could not be

executed against the petitioner in spite of several efforts and prayed for issuance of warrant of proclamation and attachment. The trial court passed an order of proclamation fixing 17th April, 2018 for execution report. On 17th April, 2018 police submitted a report that proclamation was duly published but the accused remains absconder. Case against the petitioner was filed and 18th May, 2018 was fixed for consideration of charge.

Assailing the order dated 12th March, 2018, petitioner filed CRR 295 of 2021 before this court. A Co-ordinate Bench by an order dated 24th November, 2021 dismissed the revisional application on merit. On 12th April, 2022 Special Case No. 27 of 2017 was concluded in conviction as against three accused persons who faced trial. Thereafter the petitioner filed two applications being CRAN 3 of 2022 and CRAN 4 of 2022, first one for recalling of the order dated 24th November, 2021 passed in CRR 295 of 2021 and second one under Section 5 of the Limitation Act.

A Co-ordinate Bench dismissed both the applications on 10th June, 2022 giving the petitioner liberty to file fresh revisional application on self-same cause of action.

So is the present revision challenging order dated 12th March, 2018. Though liberty was given to the petitioner to file the instant revision, the petitioner is under obligation to file the same in accordance with law, meaning thereby along with an application under Section 5 of the Limitation Act. However, the instant revisional application has not been

filed with an application under Section 5 of the Limitation. In view of such matter, I do not find any merit in the instant revision. However the petitioner is directed to appear before the trial court within three weeks from the date of this order and the trial court is directed to act in accordance with law.

(Bibek Chaudhuri, J.)

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g.b.