

Form J(1)

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

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

CRR 2389 of 2022

**Sk. Farid @ Fariduddin
Vs.
The State of West Bengal & Anr.**

For the Petitioner : Ms. Minoti Gomes, Adv.

Judgement on : 22.08.2022.

Bibek Chaudhuri, J.

The petitioner has filed the instant revision praying for quashing of all further proceeding being GR Case No. 388/2017 arising out of Ghatal Police Station Case No. 118/2017 under Sections 458/436/302/120B/506/34 of the Indian Penal Code presently pending before the Learned Additional Sessions Judge, Ghatal at Paschim Medinipore.

At the outset, it is mentioned that in the above-mentioned case Police has submitted charge-sheet. The case was investigated by the CID, West Bengal. The petitioner previously moved this Court praying for bail under Section 439 of the Code of Criminal Procedure. The said prayer was rejected by the Division Bench of this Court. Suppressing all such fact, the petitioner moved before the Learned Sessions Judge, Paschim Medinipore praying for regular bail. The said prayer was

allowed vide order dated 6th September, 2017. When the order of rejection of bail by the Division Bench of this Court was brought to the notice of the Learned Sessions Judge, Paschim Medinipore, the order of bail was rejected on 10th May, 2018. The petitioner was directed to surrender forthwith which he never did. Subsequently, on 4th January, 2019 the Learned Trial Court issued proclamation against the petitioner. Till date his attendance cannot be procured.

In the meantime, the petitioner has filed the instant revision with a prayer to quash further proceeding in GR Case No. 388/2017. I have heard the Learned Advocate for the petitioner. I have also perused the instant application along with the documents annexed therewith. It is needless to say that when charge-sheet is filed against the petitioner, it is held that *prima facie* case against the petitioner has been established. More so, it is presumed that there are sufficient materials against the petitioner when the Division Bench of this Court on due consideration of the materials in case diary was pleased to reject the prayer for bail of the petitioner. Till date the petitioner has not surrendered before the Trial Court. For his absence/abscondence, trial of the case cannot be commenced.

Considering all such aspect of the matter, I do not find any material and consequent reason to admit the instant revision. Accordingly the instant revision is summarily **dismissed**.

(Bibek Chaudhuri, J.)

Srimanta, A.R.(Ct.)
Item No. 27.