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25.11.2022
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C.R.R. No.3567 of 2022

In Re: An application under Section 401 of the Code of Criminal Procedure and read with Section 482 of the Code of Criminal Procedure, 1973;

Diluwar Sk @ Dolon
Versus
The State of West Bengal

Mr. Sumanta Das.
...for the petitioner.

Mr. Madhusudan Sur,
Mr. Dipankar Paramanick.
...for the State.

The petitioner was granted bail by a Division Bench of this Court on 25th February, 2022 in CRM 94 of 2022 wherein there was a direction upon the petitioner to be present on regular dates fixed by the learned trial court. As such, learned trial court on 28th June, 2022 rejected the application filed on his behalf and directed sureties to produce him on 11th August, 2022. An absent petition was filed on his behalf which was rejected by the learned special court and warrant of arrest was issued against the present petitioner.

In view of the issue involved, the petitioner is directed to hand over a copy of the revisional application upon Mr. Madhusudan Sur, learned advocate, who ordinarily appears on behalf of the State. His appointment may be regularised by the concerned authorities.

Without going into the legality and illegality of the order and for smooth progress of the trial, I direct that the warrant of

arrest so issued be stayed till 2nd December, 2022. The petitioner should preferably appear before the learned special court on 29th November, 2022. In case, the petitioner appears, learned trial court should release him on the same bail and bond. The petitioner should additionally meet with the Officer-in-Charge of Santipur Police Station once a week until further orders of this Court.

With the aforesaid observations, CRR 3567 of 2022 is disposed of.

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

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Tirthankar Ghosh, J.)