

Form J(1)

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

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

CRR 3711 of 2022

**Shiraj Shaw @ Sheru @ Mowgli
Vs.
The State of West Bengal**

**For the petitioner : Mr. Anand Keshari, Adv.,
Mr. Gourav Kumar, Adv.**

**For the State : Mr. Ranabir Roychowdhury, Adv.,
Mrs. Sujata Das, Adv.**

Judgement on : 08.12.2022.

Bibek Chaudhuri, J.

The petitioner has challenged an order dated 18th August, 2022 whereby warrant of arrest has been issued by the Learned Trial Judge for his absence in connection with Sessions Case No. 7(8) of 2021 arising out of Alipore Police Station Case No. 26/2021 dated 16th April, 2021 under Sections 307/458 of the Indian Penal Code.

Having heard the learned Advocate for the petitioner and on perusal of the statement made in the instant revision as well as the impugned orders this Court is of the view that the instant revision can be disposed of with the assistance of the learned Public Prosecutor-in-Charge here and now.

Therefore, Mr. Ranabir Roychowdhury is requested to assist this Court in the instant matter on behalf of the State. Copy of the revisional application has already been served to Mr. Roychowdhury. Appointment of Mr. Roychowdhury be regularized by the learned Legal Remembrancer, Government of West Bengal.

It appears from the order dated 18th August, 2022 that the learned Trial Judge issued warrant of arrest against the petitioner when he found him absent on call. The petitioner came to know about the order and issuance of warrant of arrest on 26th August, 2022 and immediately filed an application through his learned Advocate praying for recalling the warrant of arrest. The learned Trial Judge refused to recall the warrant issued against him and was pleased to reject the said application.

It is submitted on behalf of the petitioner that the petitioner had no intention to evade the process of the Court or the conditions for bail. He did not know that the date of trial of the case was fixed on 18th August, 2022 instead, he knew that the date was fixed on 26th August, 2022. On that date he appeared before the Court and found that the Trial Court has already issued warrant of arrest.

Since the petitioner wants to submit himself within the jurisdiction of the Trial Court and he showed such approach by filing an application within seven days from the date of issuance of warrant of arrest, it is presumed that the petitioner had no ill intention or motive to evade the process of the Court.

For the reasons stated above, the warrant of arrest issued against the petitioner by the learned Trial Judge be kept in abeyance for a period of fortnight. The petitioner is directed to appear before the Trial Court within seven days from the date of this order. The

learned Trial Judge is requested to take most lenient approach with regard to the prayer for bail that may be made by the petitioner on the date of his surrender considering his intention and motive.

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

The parties are at liberty to act on the server copy of this order.

(Bibek Chaudhuri, J.)

Srimanta, A.R.(Ct.)
Item No. 05.