

18.10.2022
Sayandeep
Ct. No.32
Item No.09

CRR 3922 of 2022

An application under Section 482 read with Section 401 of the Code of Criminal Procedure, 1973.

In the matter of : Anjana Paul & Ors.

.....petitioners

Mr. Shibaji Kumar Das
Ms. Rupsa Sreemani

.....for the petitioners

The present criminal revision arises out of an order dated 29th September, 2022 of the learned ACJM, 2nd Court, Kalyani, Nadia.

By the said order, the five revisionists before this Court were ordered to be arrested. The impugned issue of the warrants of arrest against the revisionists was occasioned by the absence of the revisionists before the Court on the said date.

The records before this Court as explained on behalf of the revisionists by learned counsel show that the five revisionists are the accused persons before the learned Court. The records further show that the revisionists were present before the Court on 22nd September, 2022 and 23rd September, 2022 and filed an application through counsel on 27th September, 2022 for being excused from being present before the Court on that date. The Court allowed

the application and made the matter returnable on 29th September, 2022.

The order impugned discloses that the only reason for issuing warrants of arrest against the five revisionists, who incidentally are all women, was their absence from the proceedings on 29th September, 2022. The points furnished by the revisionists were forfeited by the Court and the warrants of arrest were issued.

Even without going into the merits of the case, the ground for issue of warrants of arrest is disproportionate to the reason for which the revisionists were directed to be arrested. The fact that the revisionists were present on at least two occasions before the date of the impugned order further strengthens the view of this Court.

In view of the above and the disproportionate nature of the direction, the order dated 29th September, 2022 is quashed.

The revisionists shall be restored to the position, which existed on 28th September, 2022. The learned court should restore their bonds and securities as existing on that date.

Let this order be communicated to the learned Court within 24 hrs. from today. The revisionists are further directed to serve a copy of this order as well as the petition on the opposite parties within the time directed.

Liberty is given to the revisionists to act on a server copy as downloaded from the website of this Court.

CRR 3922 of 2022 is disposed of in terms of the above.

(Moushumi Bhattacharya, J.)