

Court No. 3
Item 7
Sk & Ali
04.08.2022

**Calcutta High Court
In The Circuit Bench at Jalpaiguri**

CRR 126 of 2022

Jiwan Rai & Anr.

Vs.

The State of West Bengal

**In Re:- An application under Section 482 of the Code of
Criminal Procedure, 1973.**

Mr. Anirban Banerjee

.....for the petitioners.

Mr. Aditishankar Chakraborty, Ld. APP

Mr. Abhijit Sarkar

...for the State

The petitioners have preferred the present revisional application for setting aside order dated 28.1.2020 passed in G.R.Case No. 151 of 2017 (arising out of Lodhoma Police Station Case No. 3 of 2017 dated 19.4.2017) passed by the learned Chief Judicial Magistrate, Darjeeling.

The factual matrix of the case is that the petitioners are accused in the aforesaid proceeding and were on bail. Charge-sheet was submitted under Sections 341/324/326/307/34 of the Indian Penal Code on 23.12.2019. The petitioners filed a petition seeking adjournment and the learned court fixed on 28.1.2020 for commitment. Subsequently thereto the petitioners failed to appear and warrant of arrest was issued against them on 28.1.2020. Being aggrieved by and dissatisfied with the impugned order, the petitioners have preferred the present revisional application.

Mr. Anirban Banerjee, learned advocate for the petitioners submits that they were not duly informed by the

conducting lawyer resulting in their failure to appear before the court on the date fixed and accordingly their unintentional laches be condoned by setting aside the order issuing warrant of arrest.

Mr. Aditishankar Chakraborty, learned Additional Public Prosecutor along with Mr. Abhijit Sarkar, learned advocates submit that there is no such infirmity in the impugned order and as such the revisional application is liable to be dismissed.

It is found from the certified copy of the order annexed to the petition that after filing of the charge-sheet, the learned Chief Judicial Magistrate, Darjeeling fixed 28.1.2020 for commitment. However, on the said date the petitioners neither appeared nor took any steps. They were found absent on repeated calls and thereafter warrant of arrest was issued by the court. There is no such infirmity in the order passed by the learned Magistrate and does not call for interference.

In view of the above, the present revisional application stands dismissed.

All connected applications stand disposed of.

Interim order, if any, stands vacated.

Urgent photostat certified copy of this order, if applied for, be supplied expeditiously after complying with all necessary legal formalities.

(Bivas Pattanayak, J.)