

**CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
CRIMINAL REVISIONAL JURISDICTION**

**13.7.2022
S.D.
08.**

**C.R.R. 146 of 2022
Ashrafil Jaman @ Daha mul @ Dahamul Islam
Vs.
The State of West Bengal**

Mr. Joydeep Kanta Bhowmick
Mr. S. Nag

....For the Petitioner.

Mr. Aditi Shankar Chakraborty, Ld., A P.P.
Mr. Ujjwal Luksom

...For the State.

The revisional application is listed today for hearing.

Learned advocates for the petitioner and opposite party are present.

Learned advocates for the petitioner move the application under Section 397/401 read with Section 482 of the Cr.P.C. challenging order dated 8.3.2022 passed by learned Additional Chief Judicial Magistrate, 2nd Court, Alipurduar in G.R. Case No. 887 of 2018 arising out of Madarihat Police Station Case No. 89 of 2018 under Section 341/323/506/376/511 of the IPC.

Learned advocates for the petitioner submit that without issuing notice to the petitioner, Warrant of Arrest has been issued by the Magistrate after receiving of the charge sheet. It is contended that a notice should have been issued to the petitioner at the first instance. Learned advocates pray for setting aside the impugned order.

Considered the submissions made by learned advocates for both parties. Perused the impugned order dated 8.3.2022.

I find that the petitioner was on bail, but as no steps was taken by him on that day, Warrant of Arrest has been issued. It appears from the record that charge sheet was submitted on 15.5.2019 and after taking cognizance date was fixed for appearance. On 23.2.2021, the surety was directed to produce the accused person but as the accused was not produced, Warrant of Arrest was issued on 8.3.2022. It appears that no formal notice was issued by the Court directing the accused to appear. Learned Magistrate therefore committed error of law by passing such order.

Under such circumstances, the impugned order dated 8.3.2022 is stayed for a period of two weeks.

In the meantime, the petitioner Ashrafil Jaman @ Dahamul @ Dahamul Islam is directed to surrender before the learned Court for obtaining regular bail.

The revisional application is accordingly disposed of.

Let a copy of this order be communicated to learned Additional Chief Judicial Magistrate, 2nd Court Alipurduar for information.

Parties shall act on the server copy of the order downloaded from the official website of this Court.

(Ananda Kumar Mukherjee, J.)

