

Form J(1)

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

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

CRR 761 of 2023

**Rahul Prasad
Vs.
The State of West Bengal**

Mr. Iqbal Hossain
..for the petitioner

Mr. Ranabir Roy Chowdhury
Mr. Sandip Chakraborty
..for the State

Item No. 14

Heard & Judgment on: 03.04.2023

Bibek Chaudhuri, J.

On perusal of the impugned order dated 2nd February, 2023 passed by the learned Additional Sessions Judge, Fast Track, First Court at Calcutta in S.C. Case No. 89 of 2022, this Court is of the view that the instant revision can be disposed of here and now with the assistance of an advocate from the State panel.

Mr. Ranabir Roy Chowdhury, learned advocate for the State is requested to assist this Court in the instant matter which he agrees. The petitioner is directed to serve a copy of the application to Mr. Roy Chowdhury here and now. Appointment of Mr. Roy Chowdhury be regularized by the Legal Remembrancer, Government of West Bengal.

The petitioner is aggrieved by an order dated 2nd February, 2023. On 2nd February, 2023 the petitioner was not able appear before the learned Court below as he was in custody in another case. The learned advocate for the petitioner informed the matter to the learned trial Court but he could not state the case number in which the petitioner was arrested.

The trial Court in such case ought to have issued a production warrant directing the Superintendent, Correctional Home to produce the accused on the date that might be fixed by the learned Court below. However, the learned trial Judge issued warrant of arrest against the accused.

It is also submitted by Mr. Roy Chowdhury that since the petitioner did not violate any condition for bail which he was enjoying before the his arrest in connection with another case, the learned trial Judge committed apparent error in issuing warrant of arrest against the petitioner.

In view of such submission made by the learned counsel for the parties this Court is of the considered opinion that the order dated 2nd February, 2023 is to be set aside.

Accordingly, the order dated 2nd February, 2023 passed by the Additional Sessions Judge, Fast Track, First Court, Calcutta in Sessions Case No. 89 of 2022 is set aside.

The petitioner is directed to surrender before the trial Court within seven days from the date of this order and on his surrender the trial Court shall permit him to remain on same bail which he was previously enjoying before the 2nd February, 2023 in connection with the instant case.

The instant revision is accordingly disposed of on contest, however, without any costs.

(Bibek Chaudhuri, J.)