

Form J(1)

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

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

C.R.R. 862 of 2023

***Mujibar Sha
Vs.
The State of West Bengal***

**For the petitioner : Ms. Tapati Sarkar, Adv.
Mr. Tarapada Das, Adv.**

**For the State : Mr. Saswata Gopal Mukherjee, Ld.P.P.
Mr. Rudradipta Nandy, Adv.
Mrs. Sonali Das, Adv.**

Heard on : 17.04.2023.

Judgment On : 17.04.2023.

Bibek Chaudhuri, J.

An order dated 3rd December, 2022 passed by the learned Additional Sessions Judge, Fast Track, Court No-III, Howrah in connection with Sakrail Police Station Case No.284 of 2014 dated 19th April, 2014 under Section 399/402 of the Indian Penal Code and Sections 25 / 27 of the Arms Act corresponding to Sessions Trial No.133 of 2018.

It is on record that the petitioner is a charge-sheeted accused person in connection with the above-mentioned case. It is also not in dispute that he is absconding and evading trial.

Learned Advocate on behalf of the petitioner submits that the petitioner was falsely implicated in this case. I have perused the case diary. When after investigation charge-sheet has been filed against the petitioner along with other accused persons, the petitioner will get the opportunity to prove his innocence only during trial. At this stage, revisional Court has no jurisdiction to appreciate the value of evidence collected by the investigating officer during investigation.

Be that as it may, the petitioner is directed to surrender before the Trial Court within a fortnight and the learned Trial Judge shall consider his prayer for bail, if any in accordance with law.

In the meantime, execution of warrant of arrest issued against the petitioner shall be kept in abeyance.

The instant revision is, thus, disposed of.

(Bibek Chaudhuri, J.)

***Mithun De/
A.R. (Ct).
SI No.29.
D/L.***