

D/L2
27.06.2023
Bpg.

C.R.R.929 of 2023

In Re: An application under Section 397/401 read with Section 482 of the Code of Criminal Procedure, 1973;

Pranab Kumar Das
Versus
The State of West Bengal and another

Mr. Swapan Kumar Mallick
Ms. Sudeshna Das
...for the petitioner.

Mr. Goutam Dinda
Mr. Anindya Sundar Chatterjee.
...for the K.M.C.

Mr. Arijit Ganguly
Ms. Sujata Das.
...for the State.

Mr. Mallick, learned advocate, appears on behalf of the petitioner.

Mr. Dinda, learned advocate, appears on behalf of the K.M.C.

Mr. Ganguly, learned advocate, appears on behalf of the State.

Mr. Dinda, learned advocate appearing for the K.M.C. drew the attention of this Court to inner page 3 of the judgment wherein it reflects that “in course of hearing of the appeal, Ld. Advocate for the appellant did not turn up on dates fixed after restoration of the appeal by the learned Chief Judge”.

Mr. Mallick, learned advocate appearing for the petitioner is unable to confirm before this Court whether he was represented

at the time when the appeal was heard. The other part of the judgment do not show participation of the appellant in course of the appeal.

In view of the same, I direct that the learned appellate court will grant another opportunity to the appellant to present his version before the learned appellate court.

The petitioner before this Court being the appellant before the learned Additional Sessions Judge, Fast Track, 1st Court City Sessions Court, Bichar Bhawan, Calcutta would allow the present petitioner, namely, Pranab Kumar Das to continue on the same bail and bond.

The warrant of arrest issued be recalled and kept in abeyance till disposal of the appeal by the learned appellate court.

The petitioner/appellant is directed to be physically present before the learned appellate court on 14th July, 2023. Learned advocate for the KMC and State be also present on the said date.

Learned appellate court will regularly fix a date for hearing of the appeal on and from 17th July, 2023 so that the hearing of the appeal is completed by 31st July, 2023. Learned appellate court would, according to its convenience, pronounce verdict in the appeal after opportunity is granted to all the three parties.

Needless to State that this Court has not gone into the merits of the case and only afforded an opportunity to the appellant to present his case before the learned appellate court. Learned

appellate court would independently arrive at its findings without being influenced by any observations made by this Court while disposing of the present revisional application.

With the aforesaid observations, CRR 929 of 2023 is disposed of.

Pending application, if any, is consequently disposed of.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Tirthankar Ghosh, J.)