

Form J(1)

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

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

CRR 1163 of 2023

**Rahul Agarwal and Others
Vs.
The State of West Bengal and Anr.**

Mr. Sandipan Ganguly, Sr. Adv.
Mr. Arkadeb Bhattacharya
..for the petitioners

Ms. S. Parekh
..for the De facto complainant

Mr. Rudradipta Nandy, APP
Ms. Sonali Das
..for the State

Item No.20

Heard & Judgment on: 13.04.2023

Bibek Chaudhuri, J.

Learned advocate on record is granted liberty to amend the cause title by incorporating the name of the de facto complainant in the cause title and renumbering the opposite parties.

The de facto complainant is a resident of a place within the jurisdiction of Balurghat Police Station. The petitioners are husband, father-in-law, mother-in-law, sister-in-law, husband of sister-in-law and paternal uncle-in-law of the opposite party No.2. On the basis of a written complaint submitted with the Officer-in-charge, Balurghat P.S. Case No. 05 of 2020 dated 4th February, 2020 under Sections 498A/307/376/511/506 of the Indian Penal Code read with Sections 3 and 4 of the Dowry Prohibition Act was registered. On receipt of summons the petitioners appeared before the trial Court initially. However, on 21st January, 2023 the accused persons who are permanent residents of Hyderabad and Secundrabad respectively were not able to appear before the trial Court and the learned advocate on behalf of the accused persons prayed for adjournment. The learned trial Judge rejected the said petition for adjournment filed on behalf of the accused persons and issued warrant of arrest against them.

It is submitted by the learned senior counsel on behalf of the petitioners that as they are residents of a distant place, it was not possible for them to appear on 21st January, 2023 before the Court below. It is also submitted that the petitioners shall appear on the next date fixed in the trial Court and take necessary step.

Having heard the learned advocate for the petitioner this Court is of the view that the instant revision can be disposed of here and now. Therefore, Mr. Rudradipta Nandy, learned P.P.-in-charge is requested to assist this Court on behalf of the State.

Appointment of Mr. Nandy be regularized by the learned Public Prosecutor, High Court, Calcutta.

In view of the undertaking given by the learned senior counsel for the petitioner, operation of the order dated 21st January, 2023 be kept in abeyance. Execution of warrant of arrest issued against the petitioners is recalled.

The petitioners are directed to appear before the trial Court on 15th May, 2023. On their appearance/surrender the learned trial Judge shall consider their prayer for bail in accordance with law.

Since the petitioners are residents of a distant place, if they are advised to file an application under Section 205 of the Code of Criminal Procedure and if such applications are filed, the learned trial Judge is directed to consider such application in accordance with law taking into consideration their permanent residence and the age of the some of the petitioners and other considerations.

The instant revision is, thus, disposed of.

(Bibek Chaudhuri, J.)

