

Form J(1)

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

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

CRR 1611 of 2023

**Subhas Sharma
Vs.
The State of West Bengal**

Mr. Syed Shamsul Arefin
..for the petitioner

Item No. 40

Heard and Judgment on: 19.05.2023

Bibek Chaudhuri, J.:

It is submitted on behalf of the petitioner/accused that several dates were fixed since 29th September, 2022 for delivery of judgment. The learned trial Judge fixed as many as five dates for delivery of judgment. Thereafter on 21st January, 2023 the learned Judge finds that he requires to hear out the argument on law point and fixed 18th March, 2023 for further argument. On 18th March, 2023 no conclusive order was passed stating if the argument was heard or not. Subsequently, on 20th March, 2023 the learned Judge passed an order

issuing warrant of arrest against the accused on the ground that no step was taken by the accused and the accused was absent on call. From the copy of the orders I do not find if the date of argument was fixed on 20th March, 2023. At least there is no such mentioning in the order sheet. Therefore, the accused or his learned advocate was not present on 20th March, 2023. Under such circumstances, the order of issuance of warrant of arrest against the petitioner is patently bad in law.

For the reasons stated above, the order dated 20th March, 2023 issuing warrant of arrest against the accused is set aside.

The learned Court below is directed to allow the accused to remain on same bail. The learned Assistant Sessions Judge, Arambagh, Hooghly is also directed to hear out the argument on a fixed date and deliver the judgment at the earliest.

The instant revision is, thus, disposed of.

A plain copy of the order be supplied to the learned advocate for the petitioner.

(Bibek Chaudhuri, J.)