

21-08-2023  
Item no.40  
Subrata  
Bhattacharyya

IN THE HIGH COURT AT CALCUTTA  
Criminal Revisional Jurisdiction

CRR No.3010 of 2023  
Mohammed Salman Khan & Ors.  
-vs-  
The State of West Bengal & Anr.

Mr. Ayan Bhattacharyya  
Mr. S.E. Huda  
Mr. Zeeshan Uddin  
Ms. Amrin Khatoon  
Mr. Sk. Aptabuddin ...for the petitioners

Mr. Saswata Gopal Mukherji, PP  
Mr. Imran Ali  
Ms. Debani Sahu ... for the State

The petitioners are directed to serve a copy of the revisional application upon Ms Debjani Sau, who usually represents the State. Her appearance may be regularised by the concerned authority.

It has been settled by the apex court in the case of **Free Legal Aid Committee v. State of Bihar** reported in **AIR 1982 SC 1463** that until and unless the charge sheet is submitted before the jurisdictional court, the accused persons need not appear before the concerned court.

The order granting anticipatory bail was to the effect that the learned jurisdictional court fixed a date for appearance of the accused. Such appearance ordinarily would be fixed after submission of the charge-sheet before the jurisdictional court.

It has been submitted that till date no charge-sheet has been submitted against the petitioners before the jurisdictional court. As such, there is no reason for the accused persons to appear before the trial court. However, in case the trial court feels that there is any scope of evading the process of law, the trial court will direct the accused persons to meet the investigating officer. The same would be

as and when called for and not regular, if not already granted as a condition in the order passed for anticipatory bail.

In case the petitioners have already met the investigating officer, then in that case, until and unless it is very urgent or the investigation cannot continue without the physical appearance, ordinarily it would be by way of virtual mode. In case the petitioners are not evading the process of law, then in that case the investigating officer would check the availability of the accused persons.

With the above observations, CRR No.3010 of 2023 stands disposed of.

Pending application, if any, is also disposed of.

Parties are to act on the server copy of this order duly downloaded from the official website of this court.

Certified copy of this order, if applied for, shall be made available to the parties.

[Tirthankar Ghosh, J]

