

S/L-9
31-03-2023
KOLE

CRR 4042 of 2011

**Bachaspati Mandal
-Vs.-
The State of West Bengal & Anr.**

Mr. Tapan Datta Gupta,
Mr. Parvej Anam,

... for the petitioner.

Mr. Bidyut Kumar Ray,
Mr. M. Sharma,

... for the State.

Mr. Tapan Dutta Gupta, learned Counsel, representing the petitioner submits that the proceeding was stayed for 10 weeks from 22nd December, 2011. This application for criminal revision challenges the orders dated 20th June, 2011 and 21st October, 2011 passed by learned Chief Judicial Magistrate, Haldia, Purba Medinipur as also supplementary charge sheet submitted by Police in Nandigram Police Case No. 66 of 2009 dated 16th April, 2009 under Sections 147/148/149/186/323/353/341/379/427 and 307 of the Indian Penal Code.

The facts of the case in short is that on 16th April, 2009, S.I. Santosh Kumar Sarkar led a team of police personnel to the house of Sk. Kabad at Jadubari Chowk and Bagha @ Chitto Ray of the same village in order to arrest them in connection with Nandigram Police Station Case No. 69 and 44 of 2009 but they were not available. In the meantime, villagers nearly 200-250 in numbers encircled the police personnel and opened fire and threw bricks resulting into injury to the ASI, Ananda Hazra, and lady constable Dolly Sahoo. The police vehicles were damaged. On the basis of the information given by the ASI to the Officer-in-

Charge, Nandigram Police Station, Nandigram Police Station Case No. 66 dated April 16, 2009 was registered. Police took up investigation and charge sheet was submitted. On 8th March, 2011, the learned Jurisdictional Magistrate took cognizance of the offence and warrant of arrest was issued. Subsequent thereto on 21st October, 2011, Police submitted supplementary charge sheet against five accused persons including the petitioner and the learned jurisdictional Magistrate issued warrant of arrest against the petitioner.

Considering the age of the criminal proceeding and in absence of any order of stay, there is reason to presume that the proceeding before the jurisdictional magistrate being GR Case No. 299 of 2009 must have reached to its logical conclusion qua the other accused persons.

The petitioner is directed to surrender to the jurisdictional magistrate by 29th April, 2023. In that event, the learned Trial Court will consider the application for bail and will take further step according to law. Failure of the petitioner to comply with this direction would invite coercive action from the jurisdictional magistrate to secure his presence.

With this observation, this revisional application is disposed of.

Let a copy of this judgment be sent down to the learned Court below.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Siddhartha Roy Chowdhury, J.)