

31.01.2023
Item No.SL/1
Ct.No.34
dc.

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION**

C.R.R. 4460 of 2022

**M/S Budge Budge Company Ltd. & Ors.
versus
State of West Bengal & Ors.**

In Re: An Application under Section 482 of the Code of Criminal Procedure, 1973.

Mr. Saryati Datta,
Mr. P. Roy,
Mr. Souvik Ghosh ... For the Petitioners.

Mr. Arijit Ganguly,
Mr. Sanjib Kumar Dan ... For the State.

Since this revisional application is restricted to the issuance of warrant of arrest, learned advocate for the petitioners is directed to hand over a copy of this revisional application to Mr. Arijit Ganguly, learned advocate who ordinarily appears for the State. His appointment may be regularised by the concerned authorities.

The observation dated 02.12.2022 passed by learned Additional Sessions Judge, 7th Court, Alipore reflects that the present petitioners were absconders and in the charge-sheet it was contended by the investigating officer that in spite of several attempts, their arrest could not be secured. As such, warrant of arrest was issued by the learned court.

From the observation of the learned Sessions Judge, it transpires that at no point of time in connection with the Special Case No. 10 of 2022, the accused were on bail. It was represented on 22.11.2022 in CRR 3612 of 2022 that the accused were on bail and as such, they may be allowed to

continue on the same bail and bond. Such representation was without any foundation and/or misrepresentation before this Court. Consequently the orders so obtained were by way of fraud committed upon the court. Accordingly, the order dated 30.11.2022 cannot have any effect in law. There is no illegality in the order dated 02.12.2022 passed by the learned Additional Sessions Judge, 7th Court, Alipore. As such, no interference is called for.

Mr. Datta, learned advocate appearing for the petitioners prays for surrendering the petitioners before the court and consideration of their application for bail.

As prayed for, the petitioners would be at liberty to surrender before the learned trial court and pray for bail.

The learned trial court would consider the application for bail in accordance with law.

With the aforesaid observations, the revisional application being CRR 4460 of 2022 is disposed of.

All pending connected applications, if any, are 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 with all requisite formalities.

(Tirthankar Ghosh, J.)