

06.03. 2023
item No.23
n.b.
ct. no.III

**In the High Court at Calcutta
Circuit Bench at Jalpaiguri**

CRR 34 of 2023

**Passang Lama @ Pasang Lama
Vs.
The State of West Bengal**

Mr. Arjin Chowdhury,
Mr. Pratusha Dutta Chowdhury,
Mr. Riya Agarwal
..... for the petitioner.
Mr. Aditi Shankar Chakraborty,
Mr. Sourav Ganguly,
..... for the State.

The instant criminal revisional application has been preferred for setting aside the order dated 28.11.2022 passed by the learned ACJM, Alipurduar G.R. Case No. 2236 of 20922 arising out of the Kalchini P.S. case No. 152 of 2022 under Section 341/427/506 IPC, read with Prevention of Damage to Public Property Act, 1984.

Learned advocate for the petitioner submits that initially the present petitioner was enlarged on bail but due to some personal difficulty he could not appear before the learned Magistrate on 28.11.2022. Thus, the warrant of arrest was issued by cancellation of order of bail. He prayed for necessary order. He also cited some judgments passed by this Court on the previous occasion on same nature of circumstances.

Learned advocate appearing on behalf of the State raised strong objection but frankly submits that the nature of acquisition of this case are more or less same with the case wherein a favourable order was passed in favour of the present petitioner.

Considering the submission learned advocates and considering the materials on record and also considering the fact that initially the present petitioner was enlarged on bail, so the impugned order dated 9.8.2022 is liable to be set aside.

Petitioner may continue on same bail bond.

Accordingly, CRR 34 of 2023 is disposed.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Subhendu Samanta, J.)