

10.05.2024
Court No.42
Item no.146

CRR/923/2018

**Sk. Majed Hossein @ Sk. Majjet Hosen
Vs
State of West Bengal & Anr.**

**Mr. Mujibur Ali Naskar
.....For the Petitioner**

**Ms. Dattatreya Dutta
.....For the State**

Learned Advocate for the petitioner is present. He filed a xerox certified copy of order No.73 dated 22nd June, 2018 passed by Learned Additional Sessions Judge, Haldia, In-charge of ADJ, FTC, Haldia, Purba Mednipur in connection with S.T No.01 of 2009. The said certified copy of order is taken on the record.

Other Party No.1 State is represented by Ms. Duttatreya Dutta.

The other party No.2 Abdul Ali expired on 14th October, 2016 as it appears from the Xerox copy of report of the Assistant Registrar-XII dated 9th May, 2024. A copy of his death certificate issued by Gram Panchayat, Jaynagar on 30th November, 2016 attached with the said report also affirms the facts of the death of O.P 2 Sk. Abdul Adut Ali Haque happened on 14.10.2016. Since O.P No.2 has already been expired, his name is required to be expunged from the cause list. Therefore, office is directed to expunge the name of O.P No.2 Sk. Adbul Adut Ali Haque from the cause list, at once.

By submitting the copy of order 73 dated 22.06.2018,

Ld. Advocate for the petitioner submits that this revisional application is now became infructuous as the impugned order has been recalled thereby.

Accordingly, he prays for its dismissal.

Indubitably the revisional application CRR 923 of 2018 under Section 482 of the Criminal Procedure Code, 1973 is preferred by Sk. Majeed Hossein @ Majeet Hosen, wherein he challenged the orders dated 11.12.2017 and 23.03.2018 of Ld. Additional Sessions Judge, Fast Track Court, Haldia passed in connection with S.T 01 of 2009 arising out of Durgachak police station case No.3 of 2002 dated 22.01.2002 under Section 302/34 of the IPC, 1860.

By order No.70 dated 11.12.2017 bail bond of petitioner/accused Sk. Majeed Hossein was cancelled, as he was found absent on call before Ld. Trial Court. So, Ld. Trial Judge has passed order to issue warrant of arrest (W.A) against him. When petitioner/accused did not appear/surrendered in court inspite of the said warrant of arrest issued against him on 11.12.2017, Ld. Trial Court compelled to pass order to issue warrant of proclamation of attachment (WPA) vide order No.72 dated 23.03.2018.

Being aggrieved and dissatisfied by both orders of Ld. Trial Judge, petitioner filed this revisional application on 07.05.2018 for quashing of the impugned order and to stay the operation of this order.

Thereafter, this mater appeared in list, first on

15.06.2018 before this Court. Ld. Advocate for the petitioner submitted before the Hon'ble Co-ordinate Bench that due to some miscommunication, petitioner failed to appear before the trial court, as a result Ld. Trial Court has passed the impugned order. He further submitted that petitioner is ready and willing to surrender before the Ld. Trial Court and to co-operate with the trial. Upon his submission the orders issuing warrant of arrest and warrant of proclamation of attachment were stayed till 23rd June, 2018 and the petitioner were directed to appear before Ld. Trial Court on 22nd June, 2018. On his surrender. Ld. Trial Court was directed to consider on his prayer for bail in accordance with law.

In abidance of the said directions of Hon'ble Co-ordinate Bench given vide order dated 15th June 2018, the petitioner surrendered before the Trial Court on 22.06.2018 and prayed for his release on bail. Ld. Trial Court taken the petitioner in custody and released him on bail on certain conditions as mentioned in order No. 73 dated 22.06.2018. Accordingly the order of warrant of arrest and warrant of proclamation of attachment, as passed by him vide orders dated 11.12.2017 and 23.03.2018, were recalled.

Therefore, the impugned order is now not remain in force. The grievances of the petitioner, whatever he had, has evaporated now.

As such, I find that this revisional application deserved to be dismissed, as infructuous.

The application if any, shall also be disposed of.

The interim order, if any, stands vacated.

Urgent copy Photostat certified copy of this judgment, if applied for, be given to the parties, as expeditiously as possible, upon compliance with the necessary formalities in this regard.

Ld. Advocate for the State prayed for a direction to department to supply copy of this revisional application.

Department is directed to provide a copy of the revisional application to the Ld. Advocate for the State as per existing law, if he prayed for.

(Uday Kumar, J.)