

CRR 4068 of 2024

Smt. Usha Gupta & ors.
Vs.
The State of West Bengal

Sr. Adv. Sandipan Ganguly,
Adv. Supriya Das,
Adv. Priyanka Sarkar,

...for the petitioners.

The petitioners have assailed the order passed by the learned Additional Sessions Judge (In-charge), 5th Court, Barasat on 2nd September, 2024 (wrongly recorded as 25th July, 2023) directing issuance of warrant of arrest against them.

It appears that the petitioners were allowed to be represented under Section 317 of the Code of Criminal Procedure by the learned trial Court till 29th February, 2024. The order passed by this Court on 1st August, 2024 in CRR 2067 of 2024 directing the learned trial Court to dispose of the case being ST31/2018 preferably within one year from the next date of hearing was communicated to the learned Court on 31st August, 2024. Strangely, on the next date fixed for hearing, i.e. on 2nd September, 2024, the learned trial Court refused to consider the application filed on behalf of the petitioners under Section 317 of the Code of Criminal Procedure without assigning any reason therefor. The said order reflects that the petitioners appeared before the learned trial Court on the same date upon filing late hazira which was only kept with the record. The appearance of the petitioners before the learned trial Court was not turned down. However, warrant of arrest was issued against the petitioners on that date.

Since the learned trial Court allowed the petitioners to be represented under Section 317 of the Code althroughout, the said petition ought not to have been rejected by the learned trial Court by the order impugned without assigning any reason therefor.

In view of the above, the order impugned dated 2nd September, 2024 (wrongly recorded as 25th July, 2023) be set aside/quashed.

The petitioners are directed to appear before the learned trial Court on the next date, i.e. on 11th November, 2024.

On prayer of the petitioners, liberty is granted to file an application under Section 205 of the Code before the learned trial Court.

CRR 4068 of 2024 is allowed.

Urgent certified website copy of this order, if applied for, be given to the parties, upon compliance of all requisite formalities.

(Suvra Ghosh, J.)