

19.12.2024

Item No.DL/25
Court No. 35

Kausik, AR(Ct.)

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

CRR 5303 of 2024

In the matter of :

**Papiya Ghosh & Ors.
VS.
State of West Bengal & Anr.**

**Mr. Moyukh Mukherjee
Ms. Sagnika Banerjee**

.....for the Petitioner.

Records of AC 3457 of 2024 reflects that learned ACJM, Alipore, 24 Parganas (South) was pleased to fix 05.12.2024 for appearance of the present petitioners/accused.

On 05.12.2024 the case records were placed before the learned Judicial Magistrate, 10th Court, Alipore. From the records it is not clear that whether the summons which were issued were received by the present petitioners as no subjective satisfaction is reflected from the order dated 05.12.2024 and inspite of the same warrant of arrest was issued.

In view of the warrant of arrest being issued without the learned Magistrate recording any reasons for non appearance of the present petitioners, I am of the view that the warrant of arrest so issued by the learned Judicial Magistrate be set aside.

Petitioners will appear either physically or through learned advocate on the next date fixed and thereafter canvass all the

issues relating to the merits of the case. At a subsequent stage petitioners would be at liberty to approach the High Court.

With the aforesaid observations the revisional application being CRR 5303 of 2024 is disposed of.

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

[Tirthankar Ghosh, J.]