

12-11-2024
Court No.3
SL.36
D.Ghosh

**In The High Court At Calcutta
Circuit Bench at Jalpaiguri**

CRR/277/2024

**ABDUL REHAN @ ABDUL RAHAMAN ANSARI @ ANNU
VS
THE STATE OF WEST BENGAL AND ANR.**

Mr. Jaydeep Kanta Bhowmik, Adv.
Mr. Sayantan Bhowmik, Adv.
Mr. Shubham Kumar, Adv.
Ms. Sayantani Das, Adv.

... for the petitioner.

Mr. Nilay Chakraborty, Adv.
Mr. Ujjawal Lucksum, Adv.

... for the State

The matter is taken up for hearing.

Mr. Bhowmik, learned Counsel appearing for the petitioner submits that the impugned Order dated 06.02.2024 was passed by Learned Judicial Magistrate 1st Court at Jalpaiguri whereby charges were framed against the present petitioner.

As submitted, the Order Sheet shows that all the accused persons on bail, were present whereas, on that date, an application for adjournment was filed as because the accused persons could not attend the Court.

This application contradicts the observation of the Learned Trial Court that all accused persons on bail are present.

It is contended by Mr. Bhowmik that the Trial Court in fact, did not afford any opportunity to the accused persons at the time of considering the charges and in fact, the accused persons

were not heard. Charges were framed behind the back of the accused persons. This is, according to Mr. Bhowmik, gross violation of the principles of natural justice.

Per contra, Mr. Chakraborty, the learned Counsel appearing for the State submits that in case of any defect, a fresh hearing of charge may take place.

After hearing the learned Counsel for both the parties, the instant application is disposed of with a direction to the Learned Trial Court to consider charges afresh in presence of the accused persons, preferably within fifteen days from date of receiving of the Order. The accused persons must be present on that date, in case of failure of which, the Learned Trial Judge shall be at liberty to cancel the bail bond and issue warrant of arrest. The present charges, already framed, stand quashed.

A copy of this Order may be communicated to the Learned Trial Court.

(SUGATO MAJUMDAR, J.)