

04.4.2024
Ct.No. 3
Item no.30
nb

IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri

CRR 352 of 2023

Raj Tamang(Lama) & Anr.
Vs.
The State of West Bengal & Ors.

Mr. Sudip Guha,
Mr. Sandip Guha Ray,
Mr. Ananda Paul,.
.....for the petitioner.
Mr. Aditi Shankar Chakraborty, Ld APP,
Mr. Arjun Chowdhury,
.... For the State.

This revisional application has been preferred against the order dated 30.9.2023 passed by the learned Sessions Judge, Kalimpong thereby issued warrant of arrest against the present petitioner in connection with Gorubathan P. S. Case no.38 of 2017 dated 18.7.2017 under Section 448/436/427/323/417 and 379 read with Section 9 of West Bengal Maintenance of Public Order Act,1972.

Learned advocate for the petitioner submits that initially the present petitioner was enlarged on bail. Thereafter, he was regularly attending the Court but on the fateful date i.e. on September 30, 2023 he could not appear before this Court due

to his illness and the learned Sessions Judge has issued the warrant of arrest. He submits that necessary order may be passed, so that the present petitioner may be surrender before the learned Session Judge.

It is the submission of the learned advocate for the State that due to absence of the accused person, the charge cannot be framed by the learned Sessions Judge. He further submits that necessary direction may be passed for framing of charge within a specified time.

It appears that the present petitioner along with other 25 persons were arrayed as an accused in this case. Initially the prayer for anticipatory bail of the present petitioner was considered and he was enlarged on bail. It appears that the petitioner cannot appear on September 30, 2023.

Considering the facts and circumstances of the case, the instant criminal revision is disposed of with a direction that that warrant of arrest issued by the learned Sessions Judge against the present petitioner is hereby set aside with a condition that the petitioner shall surrender before the learned Sessions Judge concerned within April 30, 2024 and shall pray for necessary order for bail. On such prayer, the learned Sessions Judge shall consider the prayer according to law.

The learned Sessions Judge is further directed to frame the charge of this as early as possible most preferably within May 2024 according to the law.

Under the above observation, this criminal revision is disposed of.

Connected application, if any, are also disposed of.

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

(Subhendu Samanta, J.)