

22.01.2025
rc/ct.no.34
Item No.37

CRR No.121 of 2025

**In the matter of : Sri Ashoke Kumar Gupta @ Ashoke Gupta &
Ors.**

.....Petitioners

Mr. Sandipan Gangly
Mr. Supriyo Das

...for the Petitioners

Petitioners are aggrieved by the order passed by the learned Additional District and Sessions Judge, 5th Court, Barasat on January 03, 2025 in Sessions Trial No. 31 of 2018. By the said order, the petition under Section 317 of the Code of Criminal Procedure filed by the petitioners was rejected and warrant of arrest issued against them.

At the outset it is recorded that it is stated in the order impugned that one Manas Chandra Das was summoned by the prosecution for examination and appeared before the learned Trial Court on January 03, 2015. Certified copy of the summons has been produced by the petitioners which demonstrates that this witness has been summoned in connection with the Habra Police Station Case No. 709 of 2016 dated August 21, 2016 whereas the present case pertains to Lake Town Police Station Case No. 101 of 2014 dated April 13, 2014. Though the Sessions Trial number has been rightly stated in the summons, the said trial does not pertain to Habra Police Station Case No. 709 of 2016.

Earlier, the petitioners filed a revisional application being CRR No. 4068 of 2024 assailing an order passed by the learned Trial Court rejecting the application filed by the petitioners under Section 317 of the Code of Criminal Procedure and directing issuance of warrant of arrest against them. By an order passed on September 26, 2024, this Court observed that the petitioners were allowed to be represented before the Court under Section 317 of the Code of Criminal Procedure till February 29, 2024. Following an order passed by this Court for expeditious disposal of the case, the learned Trial Court refused to consider the application filed by the petitioners under Section 317 of the Code of Criminal Procedure without assigning any reason therefor. A similar stance has been taken by the learned Trial Court in the order impugned whereby the learned Court has turned down the application filed by the petitioners under Section 317 of the Code of Criminal Procedure and directed issuance of warrant of arrest against them primarily on the ground that there is a direction for expeditious disposal of the case by this Court.

This Court fails to understand how representation of the petitioners through an application under Section 317 of the Code of Criminal Procedure would delay or hinder expeditious disposal of the case. Since the petitioners were being represented before the Court by an application filed under Section 317 of the Code of Criminal Procedure and also, since an application filed by the petitioner under Section 205 of the Code of Criminal Procedure is pending, there is no reason for the learned Trial Court to turn

down the prayer of the petitioners only on the ground of delay in disposal of the case.

In view of the above, the order impugned in so far as the application filed by the petitioners under Section 317 of the Code of Criminal Procedure was turned down and warrant of arrest issued against them upon forfeiting the bail bonds is set aside.

Petitioners shall continue to remain on the same bond. The learned Trial Court shall continue with the trial of the case and also deal with the application filed by the petitioners under Section 205 of the Code of Criminal Procedure upon granting reasonable opportunity of hearing to the parties, in accordance with law, without insisting on their personal appearance.

With the above observations and directions the revisional application being CRR No. 121 of 2025 is disposed of.

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

(Suvra Ghosh,J)