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24.06.2025

CRR 2687 of 2025

Ct. No.30

In the matter of:- Subhajit Ganguly & Ors.

...petitioners

Mr. Sabir Ahmed,
Mr. Dhiman Banerjee,
Mr. Ezaz Ahmed.

....for the petitioners.

Mr. Debasish Roy Id.PP.,
Mr. Suman De,
Ms. Pushpita Saha.

...for the State.

The present revisional application has been preferred against an order dated 17.05.2025 passed by the learned Additional Chief Judicial Magistrate, Khatra Bankura in connection with G.R. Case No.848 of 2023 corresponding to Khatra Police Station Case No.111 of 2023 dated 18.10.2023 under Sections 498A/323/406/468/469/471/427/34 of the Indian Penal Code, 1860 and Section 3 of the Dowry Prohibition Act, 1961 issuing warrant of arrest against the petitioners.

It appears from the copies of the order sheet and the order under challenge that 17.05.2025 was fixed for SR of notice. On the previous date i.e. 09.12.2024, the Court had fixed 17.05.2025 for Investigating Officer's report. On 17.05.2025 without any show cause or further opportunity, the Court issued warrant of arrest against the present accused persons.

As the revisional application is being disposed of, the learned Public Prosecutor being assisted by Mr. Suman De and Ms. Pushpita Saha, learned counsels present in Court are appointed to represent the State. Let their appointments be regularised.

Considering the fact that the offence alleged in the present case is under Sections 498A/323/406/468/469/471/427/34 of the Indian Penal Code, 1860 and Section 3 of the Dowry Prohibition Act, 1961 and

considering the fact that it was without any show cause and also the judgment relied upon by the learned counsel for the petitioner in the case of ***Inder Mohan Goswami & Anr. vs. State of Uttaranchal & Ors.*** reported at (2007) 12 SCC 1 the warrant of arrest issued vide order dated 07.05.2025 is hereby quashed.

The petitioners herein are directed to positively appear before the Trial Court on the next date of hearing i.e. 12.08.2025. The petitioners to continue on the same bail as granted earlier.

Accordingly, CRR 2687 of 2025 is disposed of.

Let a copy of this order be sent to the learned Trial Court for information and necessary action.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Shampa Dutt (Paul), J.)