

19.02.2025
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258-259

C.R.R. 2176 of 2024
(CRAN 1 of 2024)
(Re: Chandra Mani Shukla)
with
C.R.R. 2876 of 2024
(CRAN 1 of 2024)
(Re: State of West Bengal)

Mr. Mayukh Mukherjee
Ms. Priyanka Shukla
Ms. Rima Mandal
Ms. Sweta Singh
Mr. Gunjan Kr. Singh
.... For the Petitioner (CRR 2176 of 2024)

Mr. Kishor Dutt
Mr. Rudradipta Nandy
Mr. Joydeep Roy
Mr. Raja Mondal
.... For the State
Mr. Avik Ghatak
.... For the Opposite Party (CRR 2176 of 2024)

The petitioners in both the matters are aggrieved by the order dated 23rd August, 2023 passed by the learned Additional Sessions Judge, 2nd Court, Barrackpore, North 24 Parganas in connection with Sessions Case no. 46 of 2021 primarily on the ground that no opportunity of hearing was granted to them by the learned Judge in discharging the accused/private opposite party from the case.

It appears from the order impugned that the case record was put up by the petition filed by the private opposite party seeking recall of the production of warrant issued against him on 15th October, 2020 on the ground that he was not sent up for trial in charge-sheet. The application was not served upon the petitioners herein.

In view of the above, this Court is inclined to hold that the petitioners ought to be given an opportunity of hearing before the

learned trial Court before the application filed by the private opposite party is disposed of.

In view of the above, the order impugned dated 23rd August, 2023 is quashed/set aside.

Learned trial Court is directed to reconsider the application filed by the private opposite party upon granting reasonable opportunity of hearing to the parties.

It is made clear that this Court has not gone into the merits of the case. Learned trial Court shall be at liberty to deal with the application independently, in accordance with law.

CRR 2176 of 2024 and CRR 2876 of 2024 are disposed of.

(Suvra Ghosh, J.)