

04.09.2025
Item No.28
Ct. No. 446
PG

C.R.R. 3720 of 2025
Jyotsna Bibi @ Mst. Merina Khatun & Ors.
Vs.
State of West Bengal

Mr. Debanshu Ghorai
Mr. Anisur Rahamanfor the petitioners

1. At the outset, it is submitted by the learned advocate for the petitioners that in the cause title, the date of order against which this revisional application has been filed is wrongly stated as 29.11.2023 in stead of 7.10.2024. However, in paragraph 6 of the revisional application, the date of the order has been correctly mentioned. Accordingly, the date of the order shall be treated as 7.10.2024.
2. This application under section 528 of BNSS has been filed by the petitioners against issuance of warrant of arrest passed on 7.10.2024 by the learned Additional Sessions Judge, 3rd Court, Berhampore, Murshidabad in connection with Sessions S.L. No. 626 of 2019.
3. It is submitted by the learned advocate that charge sheet was submitted long back but due to some inadvertent circumstances, the petitioners could not appear before the Court though they were enlarged on bail and as a

result warrant of arrest was issued against them on that date.

4. It is submitted that apprehending arrest, the petitioners have come before this Court for setting aside of warrant of arrest and undertake before this Court to appear before the learned Court on the next date.
5. Heard the submission. Perused the record and the certified copies of the order passed in connection with the said sessions case. On careful perusal of the same, it appears to this Court that charge sheet was submitted in the year 2015 and since then, the matter was kept pending for consideration of charge on various grounds and due to absence of the present petitioners before the Court. Subsequently, on account of the COVID period, such appearance was not regularised and long thereafter on 29.11.2023 the date was fixed on 05.03.2024 for appearance of the accused and consideration of charge; in default, warrant was directed to be issued against the present petitioners.
6. On 07.10.2024, when no one appeared, warrant of arrest was issued against all the 4 accused persons and since thereafter also the petitioners did not appear.
7. Therefore, from the entire facts and circumstances narrated and the copy of the order sheets it appears gross negligence on the part of the present petitioners to adhere

to the direction of the learned Court resulting in issuance of warrant of arrest against them. Because of the negligence and disobedience of the accused persons, the matter was kept pending since 2015 and has not been proceeded with and in this manner the petitioners have become successful in delaying the proceedings.

8. In view of the facts and circumstances, this Court finds no reason to invoke the jurisdiction under section 528 of BNSS as the order was passed rightly. In fact, the learned Magistrate ought to have been more vigilant much earlier considering the long absence of the accused persons.
9. Considering the above facts, this Court finds no reason to pass any order in favour of the petitioners. However, it is informed that the next date is fixed on 17th September, 2025 and the petitioners are, however, directed to appear on that date positively without fail before the learned Court; in default, such warrant of arrest must be executed immediately on the next date and the learned Magistrate is directed to ensure such compliance.
10. With the aforesaid directions, the criminal revisional application stands dismissed.
11. All parties are directed to act on the server copy of this order downloaded from the official website of this Hon'ble Court.

(Chaitali Chatterjee (Das), J.)

