

22.09.2025
Item No.12
Ct. No. 446
RP

CRR 3763 of 2025

In the matter of : Samrat Mandal

... Petitioner

Mr. Arup Kumar Bhowmick

....For Petitioner

Ms. Manisha Sharma

Mr. Bikram Mitra

....For State

1. This revisional application has been filed challenging the order passed by the learned Chief Judicial Magistrate, Malda in GR No.3955 of 2024 under Sections 307/323/325/326/34/341 of the Indian Penal Code, 1860 arising out of Kaliachak Police Station No.841 of 2024 dated 12.06.2024.
2. It is the case of the petitioner that one complaint was lodged by the de facto complainant on 12th June, 2024 against the petitioner for alleging commission of offence punishable under the aforesaid sections and after completion of the said investigation charge sheet was submitted whereby Section 326 of IPC was dropped. Further, the present petitioner, who was on Court bail, also appeared before the Court and on 29th July, 2025 when the date was fixed the present petitioner filed one absent petition. Despite that the learned Court passed an order issuing warrant of

arrest against the present petitioner. Being aggrieved thereby, this revisional application has been filed.

3. Learned advocate appearing representing the State raises objection.
4. Having heard both the learned advocates for the parties and on careful perusal of the facts and circumstances of the case and the order dated 29th April, 2025 it can be seen that on that date other accused persons, who were on Court bail, were present and filed hazira and the present petitioner, who was on Court bail, filed one absent petition. The learned Court passed the order issuing warrant of arrest against the absentee accused and fixing date on 12th August, 2025 for ER of WA. The impugned order manifests that the learned Court did not consider the application filed on behalf of the present petitioner and/or cause shown therein.
5. The learned Court neither rejected the petition nor allowed the same but issued warrant of arrest, which according to this Court, when such orders are passed where the Court has reason to belief that accused has absconded or will not obey the order of the Court. Exemption to appear may not be a matter of right but the Court must express the reasons for not considering the petition filed by the absentee accused.

6. Therefore, this Court finds merit in the revisional application and, accordingly, the order passed by the learned Court is hereby set aside.
7. In the result, this revisional application is disposed of.
8. Urgent Photostat certified copy of this order, if applied for, be delivered to the learned advocates for the parties, upon compliance of all formalities.

(Chaitali Chatterjee (Das), J.)