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06.03
2025
Ct. No. 237

Calcutta High Court
In the Circuit Bench at Jalpaiguri
Criminal Revisional Jurisdiction

C.R.R. 117 of 2025
Rabbani Hoque Sarkar
Vs.
The State of West Bengal

Mr. Debasish Mukhopadhyay
Ms. Madhushri Dutta
Ms. Srishti Sarkar *...For the Petitioner*

Mr. Nilay Chakraborty
Mr. Arjun Chowdhury *...For the State*

Mr. Nilay Chakraborty, learned Counsel and Mr. Arjun Chowdhury, learned Counsel, who usually appear on behalf of the State before this Court are appointed to represent the State in this matter.

The concerned Department is directed to regularize the appointment of Mr. Nilay Chakraborty and Mr. Arjun Chowdhury.

Petitioner handed over a copy of the application to the learned Counsel for the State.

In this application petitioner has challenged the order dated 18th December, 2024 by which the Court below had issued warrant of arrest against the petitioner who was found absent when the date was fixed for commitment of Case Record by the Trial Court.

It is submitted on behalf of the petitioner that after getting bail on several dates petitioner appeared before the Court below but thereafter due to non-receipt of proper guidance and information from the then conducting learned Advocate of Mekhliganj Court, the petitioner being an uneducated ignorant layman failed to appear before

the Court below and the learned Court below issued warrant of arrest against the petitioner. Petitioner now wants to surrender before the Court below.

Learned Counsel appearing on behalf of the State submits that liberty may be given to the petitioner to surrender before the Court below within two weeks from date and if he surrender before the Court below within two weeks, the State has got no objection against the prayer made by the petitioner herein.

Having heard learned Counsel appearing on behalf of the petitioner and after going through the order impugned it appears that by the impugned order, the Trial Court has directly issued warrant of arrest against the petitioner on that particular date which was fixed for commitment of Case Record. The Trial Court ought to have directed the sureties to produce the accused person when he was found absent on call on a particular date instead of direct issuance of warrant of arrest.

However now the petitioner, taking plea of his ignorance of proper instruction from his learned Advocate seeks liberty to surrender before the Court below.

Having considered the overall aspect of the matter, the present application, being C.R.R. 117 of 2025 is hereby disposed of with liberty to the petitioner to surrender before the Court below within a period of two weeks and in case of his surrender, the Court below will dispose of his prayer for surrender in accordance with law without being

influenced by any observations made herein. However, the order regarding issuance of warrant of arrest dated 18th December, 2024 stands quashed.

Be it also mentioned that if the petitioner fails to surrender before the Court below within the prescribed period, the order impugned dated 18th December, 2024 shall revive.

Urgent Photostat certified copy of this order, if applied for, be given to the parties, on priority basis, upon compliance of all requisite formalities.

(Dr. Ajoy Kumar Mukherjee, J.)