

01.07. 2025
Item No.56
KB
Ct. No. 3

**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI**

C.R.R 309 of 2025

In the matter of : **Lerua Mahali @ Lurua Mahali**
... Petitioner.

Ms. Shrishti Sarker
...for the petitioner.

The instant criminal revisional application has been preferred for setting aside an order dated 12.03.2025 passed by the learned Chief Judicial Magistrate, Jalpaiguri in connection with G.R. Case No. 1458 of 2020 arising out of Mal P.S. Case no. 156/2020 dated 12.04.2020 pending before the Chief Judicial Magistrate, Jalpaiguri.

Learned counsel for the petitioner submits that the present petitioners are arrayed as accused persons in connection with the case wherein the charge-sheet has been submitted under Sections 278/284/328/308/120B/349 of I.P.C.

It is the contention of the learned counsel for the petitioners that the present petitioners are laymen. They have no knowledge about the proceeding of this case. Consequently, they could not appear before the learned Chief Judicial Magistrate, Jalpaiguri, vide impugned order dated 12th March, 2025. A warrant of arrest was issued against the accused persons/petitioners. It is the submissions of the learned counsel for the petitioner that the petitioner may be allowed to appear before the learned Chief Judicial Magistrate, Jalpaiguri to that effect the warrant of arrest issued

against the petitioners may be set aside. She further submits that since Covid pandemic, the petitioners have lost connection with the learned Advocates, consequently, they could not appear before the learned Chief Judicial Magistrate. Learned counsel for the petitioner seeks leniency.

Having heard the learned counsel for the petitioner and also considering the certified copy of the impugned order, it appears to me that the charge-sheet of this case has been submitted in the year 2020. Since then the case could not be committed to the Court of Sessions due to non-appearance of the present petitioner.

It further appears that the learned Chief Judicial Magistrate after finding that the accused persons were absent for long period had issued the warrant of arrest and also initiated the proceeding against the surety under Section 446 of Cr.P.C.

Considering the entire impugned order, it appears to me that the order suffers no illegality or impropriety; if the present accused persons/petitioners are shown leniency that would be an exception to the order and notion thereof.

Accordingly, I find no justification to entertain the petitioners.

Under the above observations, the instant criminal revision is disposed of as meritless.

Let a copy of the order be forwarded to learned Magistrate concern.

(Subhendu Samanta, J.)