

20.08.2025
SL. 09
Court No. 3
SR

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

C.R.R. 416 of 2025

In re: An application under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

And

In re: Sanjay Ghosh @ Bappa

....petitioner.

Ms. Suman Sehanabis (Mondal)
Mr. Salok Sah

...for the petitioner.

Mr. Aditi Shankar Chakraborty, Ld. APP
Mr. Tapan Bhattacharya

... for the State.

1. The legality, propriety and correctness of the order dated 27th December, 2024 as passed by the learned Chief Judicial Magistrate, Jalpaiguri in GR Case No.467 of 2018 is the subject matter of the instant revisional application.
2. At the time of hearing Ms. Sehanabis (Mondal), learned advocate appearing on behalf of the revisionist/accused at the very outset draws attention of this Court to the certified copy of the order dated 26th March, 2018 wherefrom it reveals that the present revisionist/accused was enlarged on bail in view of passing of a favourable order by the learned Sessions Judge, Jalpaiguri.
3. It is submitted by Ms. Sehanabis (Mondal) that due to misconception, the present revisionist/accused did not appear before the learned Trial Court and, thus, by the impugned order dated 27th December, 2024, the learned Trial Court

issued the warrant of arrest.

4. It is submitted by Ms. Sehanabis (Mondal) that considering the fact that the present revisionist/accused is totally unaware of the consequences of his non-appearance, the instant revisional application may be allowed and appropriate relief may be granted to the present revisionist/accused in terms of the prayers made in the instant revisional application.
5. Mr. Chakraborty, learned Additional Public Prosecutor, who is present before the Court vehemently opposes such prayer. It is submitted by Mr. Chakraborty that the learned Trial Court is absolutely justified in issuing the warrant of arrest considering the long absence of the present revisionist/accused in connection with GR Case No.467 of 2018.
6. On careful perusal of the entire materials as placed before this Court and after hearing the learned advocates for the contending parties, this Court finds no much justification in the submission of Ms. Sehanabis (Mondal) inasmuch as from the certified copy of the order-sheets, it would reveal that after obtaining a favourable order of bail from the Court of the learned Sessions Judge, Jalpaiguri, the present revisionist/accused remained absent before the learned Trial Court in GR Case No.467 of 2018.
7. However, considering the fact that on behalf of the present revisionist/accused a case has been made out that such absence is purely on account of ignorance, this Court while disposing the revisional application set aside the impugned

order dated 27th December, 2024 as passed by the learned Chief Judicial Magistrate, Jalpaiguri in GR Case No.467 of 2018 on condition that the present revisionist/accused shall have to appear before the learned Chief Judicial Magistrate, Jalpaiguri in GR Case No.467 of 2018 within ten working days from today in connection with GR Case No.467 of 2018.

8. In the event, the present revisionist/accused appears before the learned Trial Court within the stipulated period, as fixed by this Court, the learned Chief Judicial Magistrate, Jalpaiguri shall permit the present revisionist/accused to remain on same bail on condition that the present revisionist/accused shall have to remain present in-person before the learned Trial Court on each day of substantive hearing, unless his personal appearance is exempted by the learned Trial Court for the reasons recorded in writing.
9. It is made clear that, in the event, the present revisionist/accused does not appear before the learned Trial Court within the stipulated period and/or after such appearance, he remains absent even for a single day, the learned Chief Judicial Magistrate, Jalpaiguri shall not be hesitant to issue non-bailable warrant of arrest for the apprehension of the present revisionist/accused.
10. With the abovementioned observations, CRR 416 of 2025 is hereby allowed and disposed of.
11. Liberty is given to the learned advocate-on-record for the revisionist/accused to communicate the server copy of this

order to the learned Chief Judicial Magistrate, Jalpaiguri.

12. The learned Chief Judicial Magistrate, Jalpaiguri is hereby directed to act on the server copy of this order.
13. Urgent photostat certified copies of this order, if applied for, be supplied to the parties upon compliance with all the necessary formalities.

(Partha Sarathi Sen, J.)