

19.11.2025
Item no.147
Court No.3
ss

**IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri
CRIMINAL REVISIONAL JURISDICTION**

CRR 426 of 2025

In Re:- An application under Section 482 and read with Section 401 of the Code of Criminal Procedure.

In Re : Priyanath Barman & anr.
... Petitioners.

Mr. Sudip Guha
Mr. Ananda Paul
Ms. Ankita Nag
.....for the petitioners.

Mr. Abhijit Sarkar
Ms. Namrata Das
... for the State.

1. This is an application for setting aside the order No.17 dated 13th August, 2025 passed by the learned Additional District Judge, 4th Court, Jalpaiguri issuing warrant of arrest against the petitioner in Sessions Case No.329 of 2016 (arising out of Maynaguri Police Station Case No.356 of 2015 dated 22.07.2015) under Sections 448/323/324/376/ 511/34 of the Indian Penal Code.

2. Mr. Sudip Guha, learned Advocate for the petitioners submit that they all along attended the court and only due to absence on the aforesaid date, warrant of arrest was issued. He seeks for stay of the impugned order with liberty to the petitioners to surrender before the learned trial court.

3. On the contrary, learned Advocate for the State submits that the petitioner failed to appear before the learned trial court and in order to ensure their attendance, the learned trial court directed the surety to produce the accused persons. Since no steps were taken, warrant of arrest has been issued. Further, due to absence of the accused persons, the examination of the witnesses could not be taken up by the learned trial court. He seeks for dismissal of the revision.

4. Upon hearing the learned Advocates for the respective parties, let me examine as to whether there is any infirmity or illegality in the impugned order of the learned trial court.

5. Perused the orders annexed to the application.

6. It is found that the accused persons on 16th June, 2025 remained absent without steps. On such date surety was directed to produce the accused persons by the next date positively i.e., 13th August, 2025. Despite there being direction upon the surety to produce the accused on 13th August, 2025, such order was not complied with. Needless to mention that on such date prosecution witness was also present but the said witness could not be examined due to absence of the petitioners. Accordingly, warrant of arrest was issued against the petitioners.

7. In view of the above, this Court does not find any infirmity or illegality in the impugned order dated 13th August, 2025 passed by the learned Additional District Judge, 4th Court, Jalpaiguri in SC 329 of 2016 and as such, the same is affirmed.

8. Accordingly, the revisional application being **CRR 426 of 2025** stands dismissed.
9. No order as to costs.
10. All connected applications, if any, stand disposed of.
11. Interim order, if any, stands vacated.
12. Urgent Photostat certified copy of this order, if applied for, be given to the petitioner on urgent basis upon compliance of all formalities.

(Bivas Pattanayak, J.)