

17.02.2026

Sl. No.13.

D/L.

Mithun.

Ct.No.29.

CRR/5266/2025

Sahidul Islam @ Md. Sohidul Islam

Vs.

The State of West Bengal

Mr. Moyukh Mukherjee,
Ms. Sagnika Banerjee,
Mr. Sobhan Gani,
Md. Aquib Badr,
Mr. Shakti Shivam

...for the petitioner

Mr. Soumyajit Das Mahapatra,
Mr. Md. Golam Nure Imrohi,
Ms. Madurai Sinha,
Mr. Partha Pratim Sinha

...for *de facto* complainant

Mr. Ranabir Roy Chowdhury,
Ms. Mausumi Sarkar

...for the State

This is an application wherein petitioner has prayed for quashing of the impugned order dated 19th November, 2025 passed in G.R. Case No.3210 of 2025 passed by learned Additional Chief Judicial Magistrate at Lalbagh in connection with Lalgola Police Station Case No.584 of 2025.

Petitioner's contention is that though the petitioner Sahidul Islam @ Md. Sohidul Islam was an FIR named accused person but after closure of investigation police did not submit any charge-sheet against him and it has been specifically mentioned in the charge-sheet that during investigation of the case, the role of the petitioner could not be established and, therefore, Investigating Agency prayed for discharging the present petitioner from the case due to want of evidence. However, learned Trial Court by the impugned order dated 19.11.2025, on perusal of the contents of FIR, materials in the Case Diary as well as injury report came to a finding that there are sufficient incriminating materials against Sahidul Islam and for which he found that the petitioner cannot be

discharged from the case and, therefore, he took cognizance of the offence and thereby issued warrant of arrest against all the accused persons including present Sahidul Islam.

Being aggrieved by the said order, Mr. Mukherjee, learned Counsel appearing on behalf of the petitioner submits that initially Investigating Agency has discharged Sahidul Islam. However, the Court below on perusal of the materials in the Case Diary came to a finding that Sahidul has an involvement with the alleged offence. Therefore, Sahidul ought to have served with a notice that he is required to appear before the Court since the Court has taken cognizance of the offence and the Court is of the view that all the FIR named accused persons are involved with the alleged offence. However the Court below has issued warrant of arrest and thereafter warrant of proclamation against the Sahidul without any reason.

Learned Counsel for the complainant as well as learned Counsel for the State submit that Sahidul was all along absconder and for which the Court below was justified in issuing warrant of arrest against him and order impugned does not call for interference.

Having heard learned Counsel on behalf of the petitioner, it appears to me that the Investigating Agency after completion of investigation had come to a finding that no case has been made out against the petitioner Sahidul. However, when the Court below on perusal of the materials collected during investigation has come to a finding that Sahidul has also played a role in committing the offence and he should not be discharged, then in the interest of justice he ought to have given a notice to petitioner Sahidul Islam for appearance before the Court.

In such circumstances, only the portion of the impugned order dated 19.11.2025 and subsequent orders by which the warrant of arrest and warrant of proclamation if any, issued against accused petitioner Sahidul Islam @ Md. Sahidul Islam is hereby set aside.

Petitioner will appear before the Court below within a period of four weeks from the date of communication of this order, in default law will take it's own course.

CRR 5266 of 2025 is accordingly disposed of.

Parties to act on a server copy of this order duly collected from the official website of the Hon'ble High Court, Calcutta.

(Dr. Ajoy Kumar Mukherjee, J.)