

CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI

02.07.2026
Ct No.5
Item No.39
Ranita

CRR 230 of 2026

In Re:- An application under Section 528 read with Section 442 of the Bharatiya Ngarik Suraksha Sanhita, 2023

And

In Re: Sri Mangal Thapa @ Mangal Das Thapa @ Mangal Das Tamang

.....Petitioner

Mr. Subham Ghosh
Mr. Mayank Roy
Mr. Smyabrata Debnath

...for petitioner.

Mr. Gobindo Saha
Mr. Tapas prasad

...for State.

1. An order passed by the learned CJM, Jalpaiguri dated 29.10.2025 in G.R. Case No.520 of 2014 is under challenge in the instant revision by dint of which CJM Jalpaiguri has issued warrant of arrest against the present petitioner due to prolonged absence in Court in connection with the said case, in which the petitioner happens to be an accused person, released on Court bail.
2. From the submission made on behalf of the petitioner it is understood that while suffering sentence of imprisonment in a

criminal trial, he was entangled in a subsequent non-bailable case, being G.R. Case No.520 of 2014, on the allegation of murder of a co-inmate within correctional home premises. In connection with the said case, the petitioner was granted bail by the Court vide order dated 11.09.2014. However, he remains in custody to serve the sentence in the earlier case and was finally released on 28.02.2024.

3. According to learned advocate for the petitioner since date of his bail in connection with the subsequent case (G.R. Case No.520 of 2014) on 11.09.2014, the petitioner has been in custody and not released, as he had to serve the sentence period. Thus he could not make himself present in Court. Allegedly the jail authority has also failed to produce the petitioner on production warrant before the Court in connection with the later case that is G.R. Case No.520 of 2014. Accordingly in the Court's order, the petitioner has been all along shown as absent without any step.
4. Learned advocate for the petitioner submits that after release from custody on completion of suffering sentence in connection with the earlier criminal case on 28.02.2024, the petitioner could not restore contact with his learned lawyer immediately and follow up the case before the trial Court. Therefore he could not be present even after his release from

custody. Learned advocate for the petitioner has described such absence by the petitioner as bona fide and due to his compulsion.

5. In the later case G.R. Case No.520 of 2014 charge sheet was submitted and cognizance was taken by the CJM, Jalpaiguri vide order dated 19.11.2020. However, for all reasons as stated above since petitioner has remained absent before the Court, the warrant of arrest was issued against him by dint of the impugned order dated 29.10.2025.
6. Now the learned advocate for the petitioner has contended that the petitioner has no intention to evade the Court's process and is willing to participate in trial; that his absence has never been with any mala fide intention to avoid Court's process. Hence appropriate order may be passed in this revision allowing him to take part in the trial Court.
7. State has been represented by Mr.Gobinda Saha learned advocate. He has specifically relied on the document to show absence of the petitioner before the trial Court in spite of he being granted bail in connection with the present case i.e. G.R. Case No.520 of 2014.

8. As seen and discussed above, the absence of the petitioner was not always due to his intentional or willful latches. After being granted bail in the present case, the petitioner could not be released from custody insofar as he has been serving sentence in connection with the earlier case. Even after his release, he has not been able to get in touch with his lawyer and take proper steps to follow up present Court case and as submitted on behalf of the petitioner the Court too cannot find any intentional or mala fide latches by the petitioner not to have appeared before the Court. There is no element to show that the petitioner has intentionally misused the liberty granted under bail in the present case. Nevertheless in accordance with the records the petitioner after being released from the correctional home after serving the sentence in the earlier proceeding, has not been able to produce himself before Court.

9. Considering all as above, the Court finds it proper to dispose of the present criminal revision application with the following direction:-

- i) The impugned order for issuance of warrant of arrest by the CJM, Jalpaiguri dated 29.10.2025 in G.R. Case No.520 of 2014 is set aside.

- ii) The petitioner herein is directed to immediately surrender before the learned trial Court and seek for bail afresh.
 - iii) Learned trial Court shall consider his prayer for bail in accordance with law, particularly keeping in mind the facts that investigation has been completed and the petitioner was earlier released on bail in connection with the present case.
 - iv) The learned trial Court shall proceed in accordance with law as expeditiously as possible.
10. With the direction as above, the present criminal revision application is allowed and disposed of along with applications pending if any.

(Rai Chattopadhyay, J.)