

07.02.2023
Srimanta
Sl. No. 19

Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Side

WPA 437 of 2022

Gaurav Garg
-Vs.-
The State of West Bengal & Ors.

Mr. Arjun Chowdhury,
Ms. Pratusha Dutta Chowdhury,
Mr. Bikash Singha

...for the petitioner.

Mr. Hirak Barman,
Ms. Bedashruti Bose

...for the State.

Mr. Avrojoyti Das,
Mr. Rajdeep Das

...for the private respondents.

The petitioner has filed a supplementary affidavit. Let the supplementary affidavit be taken on record. Private respondent nos. 6 to 9 have entered appearance through Mr. Avrojoyti Das, learned Advocate. The learned Advocate for the respondents submits that a writ petition with similar allegation was disposed of by this Court in 2017. Therefore, the instant writ petition is not maintainable. It is also submitted by the learned Advocate for the respondents that the petitioner made a specific averment that the respondent no. 6 in collusion with Court staff manipulated the record of the learned ACJM, Siliguri and compelled him to issue warrant of arrest against the petitioner and subsequently he was taken to judicial custody. In such way, his personal liberty was curtailed.

In this regard it is submitted by the learned Advocate for the respondents that after taking the petitioner to judicial custody the petitioner

filed an application for bail where he stated that due to mistake in the Court's diary he could not attend the Court on the date fixed. In view of such factual dispute, the instant writ petition shall be heard on exchange of affidavits. The respondents are directed to file affidavit-in-opposition within seven days from the date of this order and serve a copy of the same to the learned Advocate for the petitioner. The petitioner is at liberty to file affidavit-in-reply within seven days thereafter.

The instant writ petition be, therefore, fixed in the next available Circuit.

(Bibek Chaudhuri, J.)