

10.06.2026
Court No.5
SL No.28
g.b.

**HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI**

CRR 189 of 2026

**Samir Sarkar @ Samiran Sarkar
Vs.
The State of West Bengal**

**Mr. Hillol Saha Podder
.....For the Petitioner
Mr. Avrojoyti Das, Ld . APP
Ms. Rajyashree Ghosh
.....For the State**

1. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor who is present.
2. The revisional application has been preferred being aggrieved by an order dated 09.02.2026 passed by the Learned Additional Chief Judicial Magistrate, Dinhata 2nd Court, Cooch Behar in connection with G. R. Case No. 508 of 2023 arising out of Sitai Police Station Case No. 190 of 2023 dated 08.09.2023 under Sections 341/326/506/34 of the Indian Penal Code 1860, thereby issuing warrant of arrest against the petitioner.
3. It appears from the impugned order that the petitioner/accused was absent by petition on the said date when the court without giving any further opportunity issued

warrant of arrest. Subsequently on 17.02.2026 that is prior to the date of order of W/A, the petitioner/accused surrendered before the trial court when the court refused to accept the surrender of the accused/petitioner on the ground that the petition was 'not pressed' by the petitioner. It appears from the said order that the trial court was not inclined to grant bail to the petitioner in spite of his surrendering prior to even the next date fixed.

4. Considering the impugned order and the conduct of the petitioner here, the warrant of arrest issued by the impugned order dated 09.02.2026 is hereby quashed and set aside.

5. The petitioner shall remain on the same bail, as granted by the trial court on 30.08.2025 and shall henceforth diligently attend the trial court.

6. The revisional application is thus allowed.

7. Urgent photostat certified copy of this order, if applied for, be supplied to the parties urgently after completion of all necessary formalities.

(Shampa Dutt (Paul), J.)