

09.

Ct.29

CRR 3137 of 2026

19.08.2026

Bd.

Sk. Abdul @ Sk. Akbar & Ors.

-vs-

The State of West Bengal & Anr.

Mr. Suman De
Mr. Zulfiqar Mallick ... for the petitioners

Leave to incorporate the nickname of the petitioner in the cause-title of the application is granted.

In this application petitioner has assailed the order dated 10.06.2024 and 14.07.2026 by which the court below had issued warrant of arrest and subsequently issued warrant of proclamation against Sk. Abdu @ Sk. Akbar.

Being aggrieved by the aforesaid order, learned counsel for the petitioner submits that from the charge-sheet especially from column no. 12, it is clear that the petitioner was not arrested but notice under section 41(A) of the Cr.P.C. was issued to him which he complied and also co-operated with the investigating agency and prayer was made for summoning him during trial. However, the Court did not issue any summon as prayed for by the investigating officer but straightway issued warrant of arrest against the petitioner and thereafter issued proclamation which were beyond the knowledge of the petitioner. Therefore, petitioner's contention is that the order impugned is not sustainable in the eye of law.

However, learned counsel for the petitioner has made an innocuous prayer contending that he may be given liberty to surrender before the court below.

Having heard learned counsel for the petitioner, and that the prayer made by the petitioner is innocuous and, if it is allowed in terms of the prayer made in the petition, the opposite parties will have no cause to prejudice and as such, service of copy of application upon the opposite parties is dispensed with.

Having considered the submissions made on behalf of the learned counsel for the petitioner the instant application being CRR 3137 of 2026 is hereby disposed of by giving liberty to the petitioner to surrender before the court below within a period of two weeks and in the event of such surrender the court below will dispose of his prayer in accordance with law without being influenced by any observation made herein.

The impugned order dated 10.06.2024 and all subsequent orders by which the court below had issued warrant of arrest and warrant of proclamation against the present petitioner shall remain stayed for a period of two weeks from date or till the petitioner surrender before the court below, whichever is earlier.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Dr. Ajoy Kumar Mukherjee, J.)