

8 20.6.2019

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

SM

**C.R.R.29 of 2019
WITH
CRAN 1 of 2019**

**Badhan Sarkar
Versus
The State of West Bengal & Ors.**

Mr. Anirban Banerjee.
....for the petitioner.

Mr. Sourav Ganguly. APP.
.....for the State.

In Re: CRAN 1 of 2019

Application being CRAN 1 of 2019 under Section 5 of the Limitation Act is for condonation of delay in preferring the revisional application.

Learned counsel for the petitioner submits that there has been unintentional and unavoidable delay of 47 days which may be condoned.

In the interest of justice, the delay in filing the revisional application is condoned.

Application being CRAN 1 of 2019 is, thus, disposed of.

In Re: CRR 29 of 2019

By the instant application the petitioner has challenged the order dated 28th December, 2018 passed by the Chief Judicial Magistrate, Jalpaiguri in G.R. No.3127 of 2013 arising out of Dhupguri P.S. Case No.197 of 2013 dated 07.06.2013

under Sections 493/376 I.P.C. whereby warrant of arrest was issued against the petitioner/accused due to his absence without steps on the aforesaid date.

Learned counsel for the petitioner submits that the petitioner may be given an opportunity to surrender before the trial court and in the meanwhile the execution of the warrant of arrest may be stayed.

Learned counsel appearing for the opposite party no.1/State pointed out that the attendance of the petitioner before the learned Magistrate is far from satisfactory.

I have considered the facts and circumstances with reference to the submissions. It appears that the petitioner has been very irregular in his attendance before the Chief Judicial Magistrate, Jalpaiguri in consequence of which the process of commitment has been delayed. However, the execution of the warrant of arrest against the petitioner in connection with the above mentioned case is stayed for a period of two weeks from this date subject to the condition that the petitioner shall surrender before the Chief Judicial Magistrate, Jalpaiguri within the aforesaid period in default of which the warrant of arrest will revive and be executed against the petitioner in accordance with law.

In the event the petitioner surrenders before the concerned court within the stipulated period, his application for bail will be considered by the said court in accordance with law.

The application being CRR No.29 of 2019 is, thus,

disposed of.

Urgent Photostat certified copy of this order, if applied for,
be given to applicant upon compliance of requisite formalities.

(Asha Arora, J.)

