

Court No. 19

28.09.2020

(DL 17)

(S. Banerjee)

CRR 1142 of 2020

CRAN 1 of 2020
(Old No. CRAN 4578 of 2020)

Sk. Afsar Ali @ Sk. Astam Ali
Versus
State of West Bengal & Ors.

Sk. Toslim Ali, Ld. Advocate

... for the petitioner

Mr. Rana Mukherjee, Ld. APP

... for the State

The impugned order dated 26th June, 2019, passed by the learned Additional District Judge 4th Court at Howrah (Electricity Court) issuing warrant of arrest in connection with Amta Police Station Case No. 349 of 2012 under Section 135/1/a of the Electricity Act, is the subject of challenge in this case.

Learned advocate for the petitioner submits that the dues after being settled by the electricity authority has already been deposited. The warrant of arrest, according to the petitioner, was issued due to non-appearance of the petitioner. As regards the non-appearance, it is submitted by the learned advocate for the petitioner, that for some misconception on the part of the petitioner he could not ensure appearance on the date fixed earlier and in consequence thereof warrant of arrest was issued against the petitioner.

Mr. Mukherjee, learned advocate for the State, submits that the court has rightly issued the warrant of arrest in exercise of the authority conferred upon the court.

Upon considering all the facts and circumstances and also regard being had to the submission of both the parties, the revisional application be disposed of by staying the operation of the warrant of arrest issued against the petitioner for three weeks

subject to the condition that he will surrender before the learned trial court within three weeks from the date and if any bail petition is filed upon surrendering before the learned trial court within the stipulated period, the same shall be disposed of in accordance with law providing sufficient opportunity of hearing to either of the parties to this case.

With this, the revisional application, along with the connected application, stands disposed of.

(Subhasis Dasgupta, J.)