

29.09.2020
Ct. No.19
Sl. No.11
KS

IA NO: CRAN 1 of 2020
With
C.R.R. 1365 of 2020

Mohan Dolai & Ors.
-Vs.-
The State of West Bengal & Anr.
(Via Video Conference)

Mr. Tapan Dutta Gupta
Mr. Sayantan Hazra for the Petitioners

Mr. Saswata Gopal Mukherjee
Mr. Arijit Ganguly for the State

The learned advocate for the petitioners undertakes to affirm and properly stamp the petition as per the Rules within one month of resumption of normal functioning of the court. The petition is taken up through video conference on the basis of such undertaking.

This relates to the prayer for quashing of a pending proceeding together with an order staying operation of the impugned order dated 19th December, 2019 issuing warrant of arrest against the petitioners in connection with G.R. Case No.909/19 under Sections 323/ 447/ 341/ 325/ 307/ 506/ 34 of the Indian Penal Code, now

pending before the Court of learned Additional Chief Judicial Magistrate, Ghatal, Paschim Medinipur.

Mr. Tapan Dutta Gupta, learned advocate appearing for the petitioners submits that the Trial Court mechanically issued warrant of arrest and, as such, it is highly irregular.

Mr. Arijit Ganguly, learned advocate appearing for the State submits that the learned Court below has rightly issued the warrant of arrest, as the accused persons evaded arrest for some long time, and they were shown as absconders.

Having heard the submissions of both the parties, the Court is of the view that the revisional application may be disposed of by the following directions:-

Let the impugned order dated 19th December, 2019 issuing warrant of arrest against the petitioners be stayed for three weeks from date subject to the conditions that the petitioners shall surrender before the learned Trial Court within such stipulated period of time and, if any, bail application is filed before the Trial Court upon surrendering within such time, as mentioned hereinabove, the Trial Court shall dispose of the bail application in accordance with the provisions of law, providing sufficient opportunity of hearing to either of the parties with this case.

There is nothing is raised as regards the quashing of the proceeding at this moment and, as such, the same goes unconsidered.

With this observation and direction, the revisional application being, C.R.R. 1365 of 2020 along with connected application being, CRAN 1 of 2020 stands disposed of.

(Subhasis Dasgupta, J.)