

15.01.2021
Item no.2
Ct. No.42
CHC

**C.R.R. No.1567 of 2020
C.R.A.N.1 of 2021
(Physical Hearing)**

In Re: An application under Section 482 of the Code of Criminal Procedure, 1973.

In the matter of:-

Anisur Rahaman
.....petitioner

Mr. Somnath Banerjee,
Mr. Pronojit Roy
... for the petitioner

Mr. Arijit Ganguly, Ld. A.P.P.,
Mr. Sanjib Kr. Dan
... for the State

C.R.A.N. being no. 1 of 2021 arising out of C.R.R.1567 of 2020 praying for extension of time enabling the petitioner to surrender before the learned court below on the simple ground of having been infected with COVID-19, is taken up for hearing.

Mr. Arijit Ganguly, learned advocate representing the State is present and he submits that though there has been violation of the direction passed by this Court, but keeping in view the prevailing situation necessary order may be recorded in the instant case. The revisional application, the reference of which has also been mentioned hereinabove has already been disposed of by staying the operation of Warrant of Arrest till 5th of January, 2021 with a direction upon the petitioner to surrender and apply for bail before the learned court below.

It is submitted by Mr. Banerjee, learned advocate for the petitioner that he had sincerest desire to get the order implemented doing surrender before the learned Trial Court, but the petitioner could not ensure his appearance after being infected with COVID-19. On such score, Mr. Banerjee, prays for extension of time to enable the petitioner to surrender before the learned Trial Court below.

Having considered the submission of both parties, let there be an order directing the petitioner to surrender before the learned Trial Court below within a fortnight from hence, and till such date the Warrant of Arrest shall also remain further stayed. Upon surrendering, the petitioner may file bail petition, and if any bail petition is filed, the same shall be disposed of in accordance with the provisions of law. The order dated 01.12.2020 stands modified granting extension of time period to surrender before learned Trial Court below.

With this direction/observation, C.R.A.N.1 of 2021 is disposed of and this order be read conjointly with order dated 01.12.2020 (C.R.R.1567 of 2020).

All parties shall act in terms of copy of this order downloaded from the official website of this Court.

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

(Subhasis Dasgupta, J.)

