

CRR 1705 of 2020

**Gopaldas Bagri & Ors.
Vs.
The State of W. B. & Anr.**

**Mr. Sabyasachi Banerjee
Mr. Anirban Dutta
Mr. Tanay Agarwal
.....For the Petitioners
Mr. Madhusudan Sur, Ld. A. P. P.
Mr. Dipankar Paramanick
.....For the State
Mr. Ayan Bhattacharjee
Mr. Arindam Halder
Mr. Anand Keshri
Mr. Sekhar Mukherjee
.....For the O. P. No.2**

The petitioners are aggrieved for continuance of the proceedings being CGR Case No. 2065 of 2014 arising out of Tangra Police Station Case No. 130/2014 dated 13th June, 2014 and presently pending before the learned Additional Chief Judicial Magistrate, Sealdah.

On perusal of the records of the revisional application I find that the Hon'ble Supreme Court in Special Leave Petition No. 1002 of 2020 vide order dated 16.11.2020 was pleased to dispose of the application preferred at the instance of the present petitioners only on the ground that during the pendency of such application the charge sheet was already submitted before the learned Magistrate. By the same order the Hon'ble Apex Court was pleased to observe ***“we clarify that all the rights and remedies of the parties in law are kept open”***.It was further observed that ***“the ad-interim protection that was***

granted by the order of this Court dated 3 February 2020 shall continue for a period of three weeks expiring on 7 December 2020 so as to enable the petitioners to pursue the remedies which are available in law.”

I have perused the order dated 21.12.2019 passed by the learned Magistrate wherein the learned court was pleased to take cognizance and issue warrant of arrest against the accused persons.

Mr. Bhattacharjee, learned advocate appearing for the opposite party no.2 opposes the prayer advanced by Mr. Banerjee, learned advocate appearing for the petitioners.

Mr. Sur, learned advocate appearing for the State opposes the contents of the application so preferred.

I have considered the submissions advanced by the learned advocate for the petitioners and I am of the opinion that there has been no change of circumstance since the Hon'ble Supreme Court has disposed of the subject matter of challenge in Special Leave Petition No. 1002/2020.

As the issue of merits need not be gone into at this stage of the proceedings, interference called for is unwarranted.

As the further grievance of the petitioner is also relating to the manner of the issuance of warrant of arrest, I am of the view that the warrant of arrest so issued be stayed for a period of six weeks from date. In case the petitioners surrender before the learned Magistrate within a period of four weeks from date, the learned Magistrate will consider their application for bail in the

background of the fact that the investigation of the case is over. The petitioners are, however, granted liberty to agitate all the points canvassed in the revisional application at the stage of consideration of charge.

With the aforesaid observations CRR 1705 of 2020 is disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties on priority basis after compliance with all necessary formalities.

(Tirthankar Ghosh, J.)