

11.01.2021
Item no.32
Ct. No.42
CHC

C.R.R. No.73 of 2021

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

In the matter of:-

Rajesh Sharma
.....petitioner

Mr. Chinmoy Pal,
Mr. Kamal Krishna Guha
... for the petitioner

Mr. Saswata Gopal Mukherji, Ld. P.P.
Md. Anwar Hossain
... for the State

This relates to prayer for recalling Warrant of Arrest against the petitioner/tenant on the ground that the learned Magistrate has mechanically issued Warrant of Arrest without making due application of the mind. The Warrant of Arrest was admittedly issued in connection with Case REG No.253 of 2019 under Sections 496A/610 of the KMC Act, 1980 by learned Municipal Magistrate, Kolkata.

Mr. Mukherji, learned Public Prosecutor is present and submits that the Warrant of Arrest was issued against the petitioner for causing non cooperation with the pending proceeding.

Since a Warrant of Arrest has been issued, which may be given effect at any point of time, the Court finds reasons to

dispose of the instant revisional application staying the Warrant of Arrest for a period of fortnight from hence subject to the condition that the petitioner shall surrender before the learned court below within a fortnight, and if any bail petition is filed upon surrendering, the same shall be disposed of in accordance with the provisions of the law providing sufficient opportunity of hearing to either of the parties to this case.

With this observation the instant criminal revisional application stands disposed of.

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.)

