

21.01.2021
Item no.29
Ct. No.42
CHC

**C.R.R. No.144 of 2021
(Physical Hearing)**

In Re: An application under Section 401 of the Code of Criminal Procedure.

In the matter of:-

Manjar Khan

.....petitioner

Ms. Pampa Dey Dhabal

... for the petitioner

Mr. Saswata Gopal Mukherji, Ld. P.P.

Mr. Arijit Ganguly

... for the State

The impugned order dated 20th January, 2020, passed by learned Additional Chief Judicial Magistrate, Bishnupur, in G.R. Case No.472 of 2007 under Sections 302/201/120B of the Indian Penal Code issuing Warrant of Arrest is the subject of challenge in this revisional application.

Learned advocate, Ms. Pampa Dey Dhabal representing the petitioner submits that though the absent petition was filed on the day scheduled before the learned court below, but the prayer for adjournment was refused on the ground of non-production of a medical document in support of the illness, suffered by the petitioner, and as a result of which, the Warrant of Arrest was issued against the petitioner.

Mr. Arijit Ganguly, learned advocate representing the State submits though the petitioner previously was on bail, but when

the petitioner in a murder case has misused the privilege of bail, the same should not be lightly viewed.

Having considered the submission of both sides, it appears that the petitioner previously was on bail, and petitioner for the reasons best known to the petitioner could not ensure his presence on the stipulated date, and accordingly filed an absent petition, which was however, rejected by the impugned order.

Upon consideration of the materials placed, the purpose of the justice may be best subserved by disposing of the revisional application with the following direction.

Let there be an order directing stay of operation of the impugned order dated 20th January, 2020 passed by the learned Additional Chief Judicial Magistrate, Bishnupur, in connection with G.R. Case No.472 of 2007 for a period of three weeks from hence subject to the condition that the petitioner shall surrender before the learned court below within such stipulated period of time, 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 direction/observation, the instant revisional application stands disposed of.

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.)