

3.3.2021

ks.

Ct. 42, sl.29

CRR 147 of 2021

Kalimuddin Ahammed

vs

State of West Bengal

Mr. Mrityunjoy Chatterjee,
Mr. G.N. Imrohi,
Sk. Saifuddin
...For the petitioner.

Md. Anwar Hossain,
Ms. Sreyashee Biswas
... For the State.

The supplementary affidavit furnished by the petitioner be taken on record.

The information slip furnished being Annexure P-1 to the supplementary affidavit goes to show that an warrant of arrest issued by the learned ADJ, 3rd Court (Special Court under NDPS Act), Malda, is pending against the petitioner.

Since the petitioner has already abandoned his prayer for quashing and thereby restricting his prayer to the proposed stay of execution of warrant of arrest issued against the petitioner, the court is, thus, urged to address the prayer pertaining to the execution of warrant of arrest for a limited period of time in order to enable the petitioner to surrender before the learned court below.

Mr. Hossain, learned Advocate representing the State submits that the petitioner is an absconder, and the case should not be lightly viewed so as to raise objection against the proposed stay.

Mr. Saifuddin, learned Advocate representing the petitioner frankly submits thereby revealing the intention of the petitioner that the petitioner wants to offer himself to the course of law, subject to the stay being granted as regards the execution of warrant of arrest issued against the petitioner.

Having considered the submission of both sides and bearing in mind the intention exposed by the petitioner before the court, the court is of the view that the instant revisional application may be disposed of, so as to sub-serve the purpose of justice, as proposed to be obtained, giving direction mentioned as hereinbelow.

Let there be an order directing stay of execution of warrant of arrest issued against the petitioner by the learned court below for a period of fortnight 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 law, providing sufficient opportunity of hearing to either of the parties to this case.

It is clarified that all the points pertaining to the prayer for quashing are, thus, left open for adjudication by the trial court at the appropriate stages of the trial.

The revisional application is, thus, disposed of without prejudice to the rights and contentions of the petitioner in the matter.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance with all the formalities.

(Subhasis Dasgupta, J.)