

CRR 198 of 2021

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

Bablu Kazi @ Kazi Asadu Zzaman
Vs.
The State of West Bengal

Mr. Prabir Kumar Mitra
Mr. Pinak Kumar Mitra
Ms. Chumki Das Bairagya
.....For the Petitioner
Mr. Saibal Bapuli, Ld. P. P.
Mr. Arijit Ganguly
.....For the State

Liberty is given to learned advocate for the petitioner to correct the cause title.

The impugned order dated 5th April, 2018, passed by learned Additional Sessions Judge, 2nd court, Uluberia, Howrah in S. T.145 (U)/17 under Section 3/ 4 of Explosive Substance Act issuing warrant of arrest is the subject matter of challenge in this revisional application.

Learned advocate Mr. Prabir Kumar Mitra representing the petitioner submits that previously the petitioner was on bail and due to the misconception of the date, the petitioner could not ensure his appearance on the date stipulated earlier in the court below, and in consequence thereof the warrant of arrest is issued against the petitioner. It is further submitted by the learned advocate for the petitioner that the petitioner is a retired school teacher, and he was previously on bail and now he wants to offer

himself to the course of law.

Mr. Ganguly, learned advocate representing the State submits that though the petitioner was on bail previously, but when the petitioner has misused the privilege of bail, the same should not be lightly viewed.

Having considered the rival submissions of the parties and bearing in mind the fact that previously the petitioner was on bail, an interference by this court is necessary.

Let there be an order staying operation of the execution of warrant of arrest issued against the petitioner by the learned court below for a period of three weeks from hence, subject to the condition that the petitioner shall surrender before the learned trial court within two weeks from hence and, if any bail petition is furnished by the petitioner upon surrendering within the stipulated period of time, the same shall be disposed of in accordance with the provisions of law, providing sufficient opportunity of hearing to either of the parties of this case.

With these directions and observations the revisional application stands 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.

(Subhasis Dasgupta, J.)