

In the matter of: Sarsagun Murmu

....petitioner.

Mr. M. Bhattacharyya,
Mr. S. Ghosh

...for the petitioner.

Mr. I. Ali,
Ms. D. Sahu

...for the State.

This is an application challenging the issuance of warrant of arrest against the petitioner in a case under Sections 376, 448 and 506 of the Indian Penal Code.

A copy of the application is served upon Mr. Ali and Ms. Sahu, learned advocates who are present in Court and who ordinarily appear on behalf of the State. They are requested to appear in the matter. Their engagement be regularised by the competent authority of the State.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is a patient of schizophrenia who had to be admitted in a hospital in 2017. He is still under medical treatment. As an accused in this case, he was arrested in 2015 and was granted bail on 21.09.2015. Since the grant of bail till 2017 he was regularly attending the court. Due to his ill-health, he was unable to attend the court on a few dates. A warrant of arrest was accordingly issued against him on 07.08.2017. The same remained pending. Again on 17.12.2020 a warrant of arrest was issued afresh against the petitioner. The petitioner is presently in a position to attend the court and would like to join the proceeding at the earliest.

Learned counsel for the State submits that an appropriate order may be passed if the petitioner wants to join the proceeding.

I have heard the submissions of the learned counsels appearing on behalf of the petitioner and the State and have perused the revision petition.

Although the warrant of arrest issued against the petitioner in August, 2017, the same could not be executed.

It is the petitioner's case that the petitioner suffers from schizophrenia and he was under treatment and in fact, had to be hospitalized for sometime in 2017.

In view of the above and in the interest of justice, I direct that the warrant of arrest issued against the petitioner shall remain stayed for a period of four weeks. The petitioner shall surrender before the learned trial court within such time. In the event the petitioner surrenders before the learned trial court within the said period of four weeks and prays for bail, his application shall be considered in accordance with law.

With these observations, the revisional application is disposed of.

Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Jay Sengupta, J.)