

22.02.2021
Item no.10
Ct. No.42
CHC

**C.R.R. No.394 of 2021
(Physical Hearing)**

In Re:- An application under Section 482 read with Section 401 of the Code of Criminal Procedure, 1973.

And

In the matter of:-

Monisha Halder & ors.

... Petitioners

Mr. Mrinal Kanti Mukherjee

... for the petitioners

Mr. Madhusudan Sur, Id. A.P.P.

Mr. Dipankar Paramanick

...for the State

Though this is a prayer for quashing of the impugned proceeding being G.R. Case No.5164 of 2015 under Sections 306/34 of the Indian Penal Code, now pending before the Learned Additional Chief Judicial Magistrate, Baruipur, South 24 Parganas, but at the time of moving this application petitioners have abandoned their claim with reference to the proposed quashing. Since the prayer for quashing is not pressed at this stage, the same stands dismissed without prejudice to the rights and contentions of the petitioners in the matter.

It is submitted by learned advocate for the petitioners that due to misconception of date, Warrant of Arrest has been issued against the petitioners causing them to suffer serious hardship as they were previously on bail.

Mr. Sur, learned advocate representing the State submits that this is case under Sections 306/34 I.P.C. and the misuse of privilege of bail should not be lightly viewed.

Upon perusal of the orders enclosed with the instant revisional application, it appears that chargesheet has already been submitted under Sections 306/34 I.P.C. but due to the absence of the accused persons, case could not be committed to the court of sessions observing the formalities.

Having considered the rival submission of the parties, let there be an order directing stay of execution of Warrant of Arrest pending against the petitioners for a period of fortnight from hence with condition that the petitioners shall surrender before the learned court below within such stipulated period of time, and if any bail petition is furnished upon surrendering before the court below within such stipulated period of time, the learned court below is directed to dispose of the same in accordance with 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 other points are left open for being placed at the appropriate stage of trial.

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.)