

13.09.2021
Ct. No. 29
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CRR No. 392 of 2010

In Re : An application under Sections 397/401 read with
Section 482 of the Code of Criminal Procedure, 1973.

and

In Re : Shyam Sunder Saha petitioner

Mr. Rana Mukhrjee, learned A.P.P.
Mr. Pravas Bhattacharya

.... for the State

This criminal revisional application is listed today for
hearing.

On call none appears for the petitioner nor for the opposite
party no. 2.

Mr. Mukherjee, learned Additional Public Prosecutor and
Mr. Bhattacharya, learned Counsel represent the State in this
case. Concerned authority is directed to regularise their
appointments in this case.

This criminal revisional application under Sections
397/401/482 of the Code of Criminal Procedure, has been
directed against the G.R. Case No. 2434 of 2009 under Sections
468/406/420/424/447/465/471/506/120B of the Indian Penal
Code pending before the Court of the learned Chief Judicial
Magistrate, North 24 Parganas at Barasat, praying for quaashing
of the proceeding setting aside the charge-sheet no. 154 dated
14.12.2009 under Sections 468/406/420/ 424/447/465/ 471/

506/120B of the Indian Penal Code in connection with Rajarhat Police Station Case No. 162 dated 13.09.2009 and order dated 12.01.2010 passed by the learned Chief Judicial Magistrate, North 24 Parganas at Barasat, taking cognizance of the offence disclosed in the charge-sheet and issue warrant of arrest against the petitioner.

Learned Prosecutor submits that this is a long pending case and charge-sheet has already been submitted and the petitioner having ample opportunity has not appeared before this Court to make out his case. It is also submitted that stay operation of the impugned order of warrant of arrest as against the petitioner extended from time to time and finally extended until final order remained vacated.

Peruse the certified copy of the impugned order, application for revision. Considered the submission made by the learned Prosecutor. In my considered view the petitioner in the criminal revision has to make himself amenable to the process of the Court for undergoing the trial. The charge against him cannot be nipped in the bud at this stage without considering the evidence to be brought on record at the time of trial. I find no merit in the contention raised in this criminal revision.

Accordingly, the same is dismissed on its merit.

The petitioner, accused person, against whom warrant of arrest had been issued is granted leave of fifteen days to surrender before the Court. In the meantime, the warrant of arrest shall not be executed against him. Learned Magistrate will

take appropriate step against the accused persons thereafter and proceed with the trial of the case.

Let a copy of this order be sent to the court of the learned Chief Judicial Magistrate, North 24 Parganas at Barasat, for necessary information.

Urgent photostat certified copy of this order, if applied for, be supplied to the applicant expeditiously after complying with all necessary formalities.

(Ananda Kumar Mukherjee, J.)