

03.03.2021

Item no.7

Ct. No.42

CHC

**C.R.R. No.451 of 2021
(Physical Hearing)**

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

In the matter of:-

Satish Chandra Dubey
.....petitioner

Mr. Sourav Chatterjee,
Mr. Sanat Kr. Das,
Mr. Pran Gopal Das,
Mr. Sujan Chatterjee
.....for the petitioner

Mr. Saswata Gopal Mukherji, Ld. P.P.
Mr. Sudip Ghosh, Sr. Govt. Advocate
Mr. Bitasok Banerjee
...for the State

This revisional application assails the order passed by the learned Additional Chief Judicial Magistrate, Bidhannagar, Salt Lake in connection with G.R. Case No.1118 of 2016 under Sections 489A/489B/489C/489E of the Indian Penal Code issuing Warrant of Arrest against the petitioner.

Mr. Chatterjee, learned advocate representing the petitioner submits that stay of proceeding has already been granted in connection with C.R.R.2136 of 2019 with a direction upon the petitioner to cooperate with the investigation by supplying his

specimen admitted signature before the court below for proposed verification of the hand-writing of the petitioner by the hand-writing expert. The case is apparently pending in the sessions court of Bidhannagar.

It is contended by Mr. Chatterjee that the order of the Court staying the proceeding pending in the sessions court after being communicated, the learned Judge of the sessions court passed an order transmitting the case record to learned Magistrate for collection of the admitted specimen signature of the petitioner, for the proposed verification by hand-writing expert. The learned Magistrate of Bidhannagar finding absence of the petitioner on the proposed date, proceeded to issue Warrant of Arrest against the petitioner. It is thus clear that the learned Magistrate proceeded to issue Warrant of Arrest in a case, where the entire proceeding pending before the learned Sessions Judge, Bidhannagar has already been stayed. Collection of specimen signature of petitioner was however permitted to be obtained, irrespective of stay order being granted in this case.

Mr. Mukherji, learned Public Prosecutor submits that direction upon the petitioner was there to cooperate with the investigation, and since the petitioner could not ensure his presence on the stipulated date, Warrant of Arrest was issued against the petitioner.

Mr. Mukherji thus proposes that collection of hand-writing/signature of the petitioner is necessary so as to facilitate the further investigation as per order of this Court.

Having considered the rival submission of the parties and bearing in mind the direction already been given in connection with C.R.R.2136 of 2019, the Court is of the view that the instant revisional application may be disposed of so as to subserve 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 learned A.C.J.M., Bidhannagar in connection with G.R. Case No.1118 of 2016 for a period of six weeks from hence subject to the condition that the petitioner shall surrender before the learned Magistrate/learned court below within such stipulated period of time, and if any application for bail is advanced upon surrendering, the same shall be disposed of in accordance with the provisions of 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 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.)

