

In the matter of: Zahir Hossain Khan @ Zaheer Hossain Khan
....petitioner.

Mr. M. Gupta,
Mr. P. Mukherjee,
Mr. S. Naskar

...for the petitioner.

This is an application challenging the issuance of warrant of arrest against the petitioner in a complaint case under Section 138 of the N.I. Act.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is an accused in this case. He himself has been suffering from several ailments. The petitioner's wife has also been suffering from various ailments. In 2016 she was diagnosed with cancer. The petitioner had spent most of his time taking care of his wife. The circumstances were such that the petitioner could not take steps for being represented in the impugned proceeding. At present, the petitioner is in a position to attend the court regularly and he wants to join the proceeding at the earliest.

I have heard the submission of the learned counsel appearing on behalf of the petitioner and have perused the revision petition.

Although the warrant of arrest issued against the petitioner has been pending since 2014, the same could not be executed till date. Therefore, it will be in the interest of justice if the accused/petitioner surrenders before the learned trial court to face the proceeding.

The petitioner has also made out a case that he was busy in taking care of his ailing wife.

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 three weeks and direct that 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 three 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.)