

03.03.2021
p.b.
SL No.13

CRR 569 of 2021

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

Mr. Chittapriya Ghosh,
Mr. Samir Adhikari,
Mr. Kamal Singh.
.....for the petitioner.
Mr. Madhusudan Sur,
Mr. Dipankar Paramanik.
.....for the State.

This is a prayer for quashing of charge sheet submitted under Section 147/148/149/341/342/379/353/307 of the I.P.C., corresponding to G.R. Case No.212 of 2009 now pending before the learned Additional Chief Judicial Magistrate, Jhargram with a further prayer for stay of execution of warrant of arrest issued against the petitioner.

At the very threshold of this case, learned advocate for the petitioner abandons his prayer for quashing thereby restricting his prayer to the stay of execution of warrant of arrest, one and only, issued against the petitioner.

Learned advocate for the petitioner submits that there are multiple cases pending against the petitioner, and he was confused with the multiplicity of

the cases and as a result of which he could ensure his appearance before the learned court below.

Mr. Sur representing the State submits that accused is a long absconder, as warrant of arrest was issued against the petitioner in March, 2011. The case of the petitioner, according to Mr. Sur, should not be likely viewed, as the long absconsion of the accused caused delay in the progress of the trial.

Since the petitioner has abandoned his right as regards the prayer for quashing, all points pertaining to the quashing are thus left open for adjudication by the trial court at the appropriate stage of trial.

Since the petitioner wants to offer himself to the course of law, and proposes to surrender before the learned court below, the Court is thus urged to consider such prayer in terms of the settled proposition of the law.

Having considered the rival submission of the parties, and bearing in mind the intention of the petitioner, shown before the Court, 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 hereunder.

Let there be an order directing stay of execution of warrant of arrest, issued against the petitioner by the learned court below, for a period of ten days from hence,

subject to the condition that the petitioner shall surrender before the learned court below within such stipulated period of time, and if any bail petition is filed upon surrendering, the same shall be disposed of in accordance with law providing sufficient opportunity of hearing to either of the parties of this case.

With this direction/observation, the instant revisional application is disposed of.

It is, thus, clarified that this order is passed without prejudice to the rights and contentions of the parties in the matter.

(Subhasis Dasgupta, J.)