

C.R.R. 638 of 2021

In the matter of:- **Samir Sarkar & anr.**

Mr. Chinmoy Pal
Mr. Kamal Krishna Guha
Mr. Sourav Mondal
...for the petitioners
Mr. Goutam Dinda
Mr. A. S. Chatterjee
...for the K.M.C.
Mr. Arijit Ganguly
Mr. Pratick Bose
...for the State

Although an application was filed for quashing of the impugned proceeding, learned counsel appearing on behalf of the petitioners submits that the petitioners are not pressing for the same and are only praying for a stay of the execution of warrant of arrest issued against them.

Affidavit of service filed on behalf of the petitioners is taken on record.

Despite service, no one appears on behalf of the State, although the KMC is represented.

Let a copy of this application be served upon Mr. Arijit Ganguly and Mr. Pratick Bose, learned advocates, who are present in court today and who ordinarily appear on behalf of the State. Their engagement may be regularised in due course by the competent authority of the State.

Learned counsel appearing on behalf of the petitioners submits that the petitioners were earlier

enlarged on bail and were regularly attending the Court. On one occasion, an application was made under Section 317 of the Code, but the same was rejected simply on the ground that no medical certificate was filed in respect of the illness of the accused and warrant of arrest was issued. The petitioners want to join the proceeding at the earliest.

Learned counsels appearing on behalf of the State and the Kolkata Municipal Corporation submit that a direction may be passed on the petitioners to appear before the learned trial Court and join the proceeding.

I have heard the submissions of the learned counsels appearing on behalf of the petitioners, the State and the KMC and have perused the revision petition.

It will be in the interest of justice, if the petitioners join the proceeding at the earliest.

In view of the above, I set aside the order of warrant of arrest issued against the petitioners by the learned trial Court and direct the petitioners to appear before the learned trial Court on the next date fixed for hearing.

The learned trial Court shall continue the proceeding from that stage and conclude the proceeding as expeditiously as possible.

With these observations, the revisional application is disposed of.

Urgent photostat certified copies of this order may

be delivered to the learned Advocates for the parties, if applied for, upon compliance of all formalities.

(Jay Sengupta, J.)