

13.04.2021
Item No.19
Ct. No.42
CHC

**C.R.R. No.1089 of 2021
(Physical Hearing)**

In Re: An application under Section 482 of the Code of Criminal Procedure.

In the matter of:-

Anwar Hossain
.....petitioner

Mr. Tapan Dutta Gupta,
Mr. Parvej Anam
... for the petitioner

Mr. Saswata Gopal Mukherji, Ld. P.P.
Mr. Arijit Ganguly
... for the State

Though this is for quashing of a proceeding under Section 4 of the POCSO Act relatable to Special Case No.31 of 2018, now pending before the Learned Judge, Special Court, Chanchal, Malda, but the learned advocate for the petitioner at the very threshold of this case foregoes his prayer for quashing and thereby restricting his prayer to the Warrant of Arrest issued against the petitioner.

That being the position, the proposed prayer for quashing is not considered and accordingly refused on the prayer of the learned advocate for the petitioner.

The copy of this revisional application has not been served upon the State. Mr. Arijit Ganguly, learned advocate is present in Court, who ordinarily defends the State, as a learned Junior

Government Advocate. Since Warrant of Arrest is pending against the petitioner and police, according to petitioner, is chasing against the petitioner, the copy of this revisional application be immediately handed over to Mr. Ganguly for the urgency so made out.

Learned advocate for the petitioner frankly submits that he wants to take recourse to the law upon surrendering before the learned court below provided the Warrant of Arrest pending against the petitioner be stayed at least for a limited period of time enabling him to effectively surrender before the learned court below.

Mr. Ganguly, learned advocate representing the State contends that the allegation raised against the petitioner is serious and the same needs to be taken care of.

Having considered the submission of learned advocate for the parties, 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 a direction mentioned as hereunder.

The impugned order issuing Warrant of Arrest against the petitioner be stayed for a period of fortnight, subject to the condition that the petitioner shall surrender before the learned court below within such stipulated period of time, and if any bail application is filed upon surrendering, the same shall be decided in accordance with the provisions of the law, providing sufficient opportunity of hearing to either of the parties to this case.

As regards attractibility of the offence against the petitioner, the point may be taken up before the learned court below at the appropriate stage of hearing.

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.)