

17 20.04.2021

BD
/
SB

C.R.R. 1116 of 2021

In the matter of: Lakshmi Ram Soren.

Mr. Parvej Alam.

. ..for the petitioner.

Mr. Madhusudan Sur, Ld. APP
Mr. Anwar Hossain

... for the State.

Learned advocate for the petitioner assails the impugned order dated 26th July, 2010 issuing warrant of arrest against the petitioner, upon surrendering his prayer for quashing. The copy of the revisional application has not been served upon the State.

Mr. Sur, learned Additional Public Prosecutor is present in Court.

A copy of the revisional application be immediately made over to Mr. Sur for proper address of the issue involved in this case. Upon perusal of the impugned order, Mr. Sur draws the attention of the Court to contend that the petitioner is a long absconder and warrant of arrest was issued against him long before. Mr. Sur further contends that this is a case under Section 302 of the Indian Penal Code, and the trial of this case could not be proceeded to the desired extent for the abscondence of the petitioner together with other reasons.

Learned advocate for the petitioner appearing in virtual

mode submits that previously the petitioner was on bail and subsequently warrant of arrest was issued against the petitioner for his misconception of the date. It is submitted by the learned advocate for the petitioner that the trial of this case could not be proceeded, because the records of the case went misplaced in the court below.

It is also submitted by the learned advocate for the petitioner that whenever the petitioner wanted to surrender before the court below, his surrender could not be accepted because of the non-availability of the record.

From the xerox copy of the lower court's order, it appears that the original record is misplaced since 2011.

Having considered the submissions of both sides the court is of the view that the instant application may be disposed of giving the following directions.

Let the impugned order issuing warrant of arrest be stayed for a period of two weeks 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 application is furnished upon surrendering, the same shall be disposed of in accordance with the provisions of law providing an opportunity of hearing to either of the parties of this case.

Learned court below is directed to trace out the record so that the trial could be commenced immediately upon exhausting the process, if there be any.

With the directions and observations, this revisional application is disposed of.

(Subhasis Dasgupta, J.)

