

17.11.2021

Item No.55
Ct.No.34
dc.

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION**

**C.R.R. 1167 of 2021
with
C.R.A.N. 1 of 2021
(Via Video Conference)**

**Sushil Kumar Jain
versus
The State of West Bengal & Anr.**

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

Mr. Sandipan Ganguly, Sr. Adv.,
Mr. Pushan Kar,
Mr. Sagnik Majumdar ... For the Petitioner.

Mr. S. G. Mukherjee, Ld. P.P.,
Mr. Ranabir Roy Chowdhury,
Mr. M. Gupta ... For the State.

Re: C.R.A.N. 1 of 2021

Affidavits-of-service filed in Court today be kept with the record.

By an order dated 20.09.2021, the learned Senior Municipal Magistrate, Kolkata was pleased to issue warrant of arrest for non-appearance of the petitioner. Records reflect that at the relevant stage, evidence of the case was in progress and earlier also the learned court was pleased to impose cost upon the petitioner. Regard being had to the conduct of the present petitioner, I am of the view that there was no illegality in the order so passed.

However, Mr. Ganguly, learned senior advocate appearing for the petitioner undertakes that the petitioner will appear before the learned trial court on each and every

date hence fixed by the learned trial court and also undertakes to deposit the cost which was imposed by the learned trial court.

Having regard to the submissions made by the learned senior advocate appearing for the petitioner, I am of the view that an opportunity is to be granted to the petitioner. As such, if the petitioner appears within a week from date before the learned Municipal Magistrate, the petitioner, on deposit of the cost earlier imposed, would be allowed to continue on the same bail and bond on which he was on bail till the order dated 20.09.2021 was passed.

The learned trial court additionally would impose a condition that the petitioner would appear before the learned trial court once a week and get an acknowledgement. If the court is satisfied, after a period of two months, the court would be at liberty to waive the condition imposed.

The warrant of arrest so issued is stayed till 01.12.2021.

With the aforesaid directions, the application being CRAN 1 of 2021 is disposed of.

Re: C.R.R. 1167 of 2021

So far as the main revisional application is concerned, the petitioner is granted liberty to agitate the points canvassed therein in course of the trial and at the stage of final arguments of the case.

CRR 1167 of 2021 is consequently disposed of.

Interim order, if any, is hereby vacated.

Other pending application, if any, is also disposed of.

All parties shall act on the server copy of this order duly downloaded from the official *website* of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Tirthankar Ghosh, J.)