

14.06.2021

BP
Sl. 23
Court No.19

CRR 1289 of 2021

(Via Video Conference)

In re: An application under Article 227 of the
Constitution of India read with Section 482 of the
Criminal Procedure Code, 1973.

Subrata Ghosh & Ors
Vs.
The State of West Bengal

Mr. Dev Kumar Sharma
..for the petitioners.

Mr. Narayan Prasad Agarwal
..for the State.

Mr. Narayan Prasad Agarwal, learned advocate
is present in court. He is requested to assist the court
on behalf of the State. The appointment of Mr. Agarwal
be regularised.

This is an application under Article 227 of the
Constitution of India read with Section 482 of the
Code filed by the petitioners challenging an order
dated 10th February, 2021 passed by the learned Chief
Judicial Magistrate, Howrah in Belur GRPS Case No.
10 of 2020 dated 15th March, 2020.

The impugned order shows that on 10th

February, 2021 the learned Chief Judicial Magistrate issued warrant of arrest against the petitioners.

The petitioners are aggrieved against the said order firstly on the ground that the above mentioned GRPS Case No. 10 of 2020 was initiated when the police personnel seized a sum of Rs. 65,26,000/-. The petitioner nos. 1 and 2 prayed for return of the said money. The learned Chief Judicial Magistrate fixed 10th February, 2021 for report of the Investigating Officer and hearing of the said petition. However, without assigning any reason the learned court below issued warrant of arrest against the petitioners.

Having heard the learned advocates for the parties and on perusal of the impugned order, this court is of the view that the impugned order is not a speaking order and warrant of arrest was issued against the petitioners without considering the facts and circumstances under which it was issued against them.

In view of such circumstances, the instant revision is disposed of at the stage of motion directing the petitioners to surrender before the trial court on or before 15th July, 2021. If the petitioners voluntarily surrender before the trial court, the trial court shall consider their prayer for bail in accordance with law.

In the meantime the execution of warrant of

arrest issued vide order dated 10^t^h February, 2021 in connection with Belur GRPS Case No. 10 of 2020 against the petitioners be kept in abeyance.

(Bibek Chaudhuri, J.)