

CRR 1360 of 2021

In re : An application under Section 401 of the Criminal Procedure Code.

In the matter of : **Dinesh Dutta**

..... petitioner

Ms. Ishani Sinha

.....For the petitioner

Mr. Madhusudan Sur, Id. APP

Mr. Dipankar Pramanick

.....For the State

Mr. Madhusudan Sur, learned Additional Public Prosecutor has been requested to appear in this matter. Let his appointment be regularized.

By the order impugned in this revisional application, the learned Judge, Special Court, Kolkata refused the prayer for adjournment, filed on behalf of the petitioner for examination of the accused under Section 313 of the Code of Criminal Procedure, 1973.

Learned Judge observed that the petitioner is deliberately avoiding his appearance before the Court on repeated occasions. Learned Judge refused the prayer for adjournment and issued a warrant of arrest against him.

Ms. Ishani Sinha, learned advocate appearing for the petitioner, submits that the petitioner is a senior citizen and is suffering from various ailments.

She further submits that the petitioner is ready and willing to appear before the learned Judge on the next date of hearing so that the proceedings can continue.

In view of the submission made by the learned advocate for the petitioner, I stay the operation of the warrant of arrest issued against the petitioner for a period of four weeks from date.

The petitioner shall appear before the learned Session Judge within a period of three weeks from date, when the learned Judge in the Court below shall consider his application for bail in accordance with law.

If the petitioner fails to appear before the learned Judge in compliance with this order, the warrant of arrest issued by the learned Judge will automatically revive and the learned Judge will be at liberty to execute the warrant of arrest.

The revisional application being CRR 1360 of 2021 is, thus, disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties on the usual undertakings.

(Kausik Chanda, J.)