

**CRR 1843 of 2021
(Through Video Conference)**

In Re: - An application under Section 482 of the Code of Criminal Procedure, 1973.

And

In the matter of: **Sankar Dasgupta**

.... Petitioner

Mr. Swapan Mallick,
Mr. Balai Lal Sahoo,
Mr. Sankha Prasad Ray

...For the Petitioner

Ms. Sukanya Bhattacharya,
Md. Kutubuddin

...For the State

Ms. Sukanya Bhattacharyya, learned advocate, is requested to appear for the State, in this case.

Let her appointment be regularized.

The grievance of the petitioner revolves around the alleged delayed progress of G.R. Case No. 6014 of 2017 under Sections 323/325/307/427/448/504/506/34 of the Indian Penal Code, 1860, pending before the learned Additional Chief Judicial Magistrate at Barrackpore, North 24-Parganas. It appears that the learned Additional Chief Judicial Magistrate in the Court below issued a warrant of arrest against the opposite party no. 5 on March 25, 2019, and thereafter, the case was adjourned on repeated occasions awaiting the execution report from the police.

It has been submitted by the learned advocate for the petitioner that since the opposite party no. 5 is the principal accused in the case, no effective trial can be conducted in his absence.

In that view of the matter, this revisional application is disposed of by giving a direction upon the learned Magistrate in the Court below to proceed in terms of Sections 82 and 83 of the Code of Criminal Procedure, 1973 against the opposite party no. 5, if the learned Magistrate is satisfied, that the warrant of arrest made against the petitioner cannot be executed.

With this observation, this revisional application being **CRR 1843 of 2021** is disposed of.

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

(Kausik Chanda, J.)