

13.07.2021
Item no.9
Ct. No.34
CHC

C.R.R. No.1768 of 2019
IA NO: CRAN/1/2019 (Old No: CRAN/4105/2019)
(not in file)
CRAN/2/2019 (Old No: CRAN/4158/2019)
(Via Video Conference)

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

AND

In the matter of:-
Dhanpreetkaur Manmindersingh Makhija
... petitioner

Mr. Amar Dudhwewala,
Mr. Karan Dudhwewala
...for the complainant/opposite party

Affidavit-of-service filed by the opposite party be kept with the record.

In spite of service, none appears on behalf of the petitioner.

The revisional application reflects that there are two fold grievance of the petitioner, first regarding the continuance of the proceedings being CS-82601 of 2018 under Sections 138 and 141 of the Negotiable Instruments Act and secondly, the order dated 30.11.2018, passed by the learned Metropolitan Magistrate, 16th Court, Calcutta, in the same proceedings thereby issuing Warrant of Arrest against him as also other accused persons.

Order dated 30.11.2018 reflects that no step was taken by and on behalf of the accused. Learned Court after being satisfied

with the service being effected issued Warrant of Arrest against the present petitioner. Fixing 05.01.2019 for execution report.

In view of the fact that the petitioner is a permanent resident of Ahmedabad, Gujarat. I direct the learned Magistrate not to insist on physical appearance of the present petitioner because of the subsequent change of circumstances due to the pandemic. Learned Magistrate would allow the petitioner to be represented by lawyer if a proper affidavit to the said effect is filed on the next date so fixed or within a month thereafter.

The petitioner would be at liberty to agitate the other points canvassed in the revisional application at the appropriate stage of the proceedings. Needless to state that Warrant of Arrest so issued be stayed till one month after the next date so fixed by the learned Metropolitan Magistrate, 16th Court, Calcutta.

With the aforesaid observations, the C.R.R.1768 of 2019 is disposed of.

All connected applications are consequently disposed of.

Interim order, if any, is hereby vacated.

Learned Magistrate is directed to recall the Warrant of Arrest and issue the same only after the period as mentioned above expires.

All parties shall act in terms of copy of this order downloaded from the official website of this Court.

(Tirthankar Ghosh, J.)