

29.09.2021

Ct No. 35

D/L 11

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C.R.R. 1898 of 2021
(Via Video Conference)

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

In re : **Siddhant Gupta & Anr.,**

... Petitioners

Mr. Mrityunjoy Chatterjee,

... for the petitioners

Mr. Anirban Mitra,

... for the opposite party

By an order dated July 1, 2019, in CRR 1315 of 2019, a coordinate Bench of this Court directed the learned Magistrate to reconsider the application filed by the petitioners under Section 205 of the Code of Criminal Procedure, 1973, afresh within three weeks from the date of communication of the order. The said application, as it appears, has not yet been disposed of by the learned Magistrate in the Court below.

It has been submitted by Mr. Mrityunjoy Chatterjee, learned advocate for the petitioners that though the said application was not disposed of by the learned Magistrate in the Court below, the learned Magistrate issued a warrant of arrest against the petitioners on April 13, 2021 for their absence in the proceedings.

I am of the opinion that when the application for dispensation of the personal appearance of the petitioners was

pending before the learned Magistrate, he should have decided the said application first before directing the appearance of the petitioners by the issuance of a warrant of arrest.

In that view of the matter, till the application filed by the petitioners under Section 205 of the Code of Criminal Procedure, 1973, is disposed of, the warrant of arrest shall remain stayed.

The learned Judicial Magistrate, 1st Court, Alipore, South 24 Parganas shall decide the application filed by the petitioners under Section 205 of the Code, as expeditiously as possible, in the light of the observations made in CRR 1315 of 2019.

The fate of the warrant issued against the petitioners shall abide by the outcome of the said application under Section 205 of the Code of Criminal Procedure, 1973.

With these observations as above, the revisional application being **CRR 1898 of 2021** is disposed of.

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

(Kausik Chanda, J.)