

15.11.2021

Item No.30
Ct.No.34
dc.

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION**

C.R.R. 2251 of 2021
(Via Video Conference)

Md. Aslam & Ors.
versus
The State of West Bengal

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

Mr. Mazahar Hossain Chowdhury,
Mr. Md. Zeeshanuddin ... For the Petitioners.

Mr. S. G. Mukherjee, Ld. P.P.,
Ms. Manisha Sharma ... For the State.

Records reflect that warrant of arrest was issued against the petitioners by an order dated 01.10.2021. Learned Senior Municipal Magistrate, Kolkata being frustrated with the conduct of the petitioners issued warrant of arrest. I find no illegality in the said order. However, having regard to the undertaking given by the learned advocate appearing for the petitioners before this Court that the petitioners would appear regularly before the trial court till disposal of the case, I am of the view that an opportunity must be granted to the petitioners.

In the circumstances, if the petitioners appear before the learned Senior Municipal Magistrate, Kolkata by 01.12.2021 in connection with Garden Reach Police Station Case No. 41 of 2018 dated 18.02.2018, the petitioners shall be allowed to remain on the same bail and bonds on which they were released earlier prior to the warrant of arrest being issued on 01.10.2021. However, on 02.12.2021, the learned

Magistrate will be at liberty to revive the warrant of arrest which for the present is being stayed till 01.12.2021, if the petitioners do not appear.

Once the petitioners appear before the court, the learned Magistrate would fix schedule on and from 06.12.2021 regularly till the final arguments of the case is over. The learned Magistrate thereafter, according to his convenience, will pass judgment.

Ms. Manisha Sharma, learned advocate who ordinarily appears for the State was directed to appear in this matter for assisting the Court. Her appearance may be regularised by the concerned authorities.

With the aforesaid observations, the revisional application being CRR 2251 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.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Tirthankar Ghosh, J.)