

D/L 103
December
17, 2021
Bpg.

C.R.R. No. 2479 of 2021
(Via Video Conference)

In Re: A petition under Section 482 of the Code of Criminal Procedure,
1973;

Mohammed Mukhtar @ Md. Mukhtar
Versus
The State of West Bengal

Mr. B.K. Singh,
Mr. Ranajit Roy,
Mr. Dipak Kr. Chakraborty.
...for the petitioner.

Mr. Md. Anwar Hossain,
Ms. Sreyashee Biswas.
...for the State.

The petitioner was absent because of reasons beyond his control. The learned Senior Municipal Magistrate, Kolkata issued warrant of arrest.

The record of this revisional application reflects that date was fixed for delivery of judgment and on the same day, the petitioner did not appear before the court. As such, learned Magistrate had no other option but to issue warrant of arrest.

I find no illegality in the order of issuance of warrant of arrest.

However, learned advocate appearing for the petitioner undertakes that the petitioner in future will never commit the same mistake. Accordingly, a last opportunity is granted to the petitioner to make himself available on each and every date before the learned

Magistrate. Presently, if the petitioner appears/surrenders on 28th December, 2021, the next date so fixed by the learned trial court, he may be allowed to continue on the same bail and bond as has been earlier granted/furnished before the learned Magistrate. However, if the petitioner do not surrender on 28th December, 2021, the learned court would be at liberty to issue fresh warrant of arrest and subsequently progress towards more harsher process of law.

In view of the aforesaid directions, the warrant of arrest so issued be stayed till 29th December, 2021.

With the aforesaid observations, CRR 2479 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.

(Tirthankar Ghosh, J.)