

16.12. 2021
item No.17
n.b.
ct. no. 34

(via video conference)
CRR 2510 of 2021
Surajit Barua @ Vicki Barua & Anr
Vs.
The State of West Bengal

Mr. Sourav Chatterjee,
Mr.Soumya Nag
..for the petitioners

Mr. Mmadhusudan Sur,
Mr. Dipankar Paramanick
... for the State.

The petitioners are aggrieved by the order of simultaneous issuance of warrant/proclamation/attachment issued by the Learned Chief Judicial Magistrate, Alipore, South 24 Parganas.

I find from the records of the case that charge-sheet was filed on August 31, 2021. The order reflects that at the first instance the court issued warrant of arrest presumably being non-bailable warrant of arrest.

In view of the Judgment of the Hon'ble Supreme Court reported in 2021 SCC OnLine SC 922 wherein under category A & B the Hon'ble Supreme Court has set out the guidelines, that after filing of charge-sheet/complaint while taking cognizance, the learned Courts are supposed to follow the relevant procedures. It is reflected in the said order of the Hon'ble Supreme Court that if an accused does not appear despite service of summons, then bailable

warrant for physical appearance may be issued. In view of the guidelines laid down by the Hon'ble Supreme Court, I direct that the order issuing warrant of arrest on 31.8.2021 and all subsequent orders relating to the process be set aside.

However, warrant of arrest so issued by the order dated 31.8.2021 would be treated to be aailable warrant which would be valid till December 31, 2021.

The Learned Magistrate would fix a date in the first week of January, 2022 for proceeding to the next harsher process as has been referred to in the Judgment of the Hon'ble Supreme Court referred to above.

Needless to state that earlier this court has passed a direction that when the accused appears/surrenders on the first date the Magistrate would grant interim bail if it supports its conscience, thereafter, call for the Case Diary and decide issue of bail on merits(refer to CRM 9457 of 2020).

The aforesaid order would not preclude the petitioners to approach the remedies available under law.

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

(Tirthankar Ghosh, J.)