

Court
No.
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2021

C.R.R. 1864 of 2020

(via video conference)

In the matter of :- **Biswanath Acherjee**

Mr. Md. Sabir Ahmed
Mr. Mujibar Ali Naskar
Mr. Apan Saha
Mr. S. Sarkar
...for the petitioner
Mr. Imran Ali
Ms. S. Biswas
...for the State

This is an application praying for stay of warrant of arrest in a proceeding where a charge-sheet was submitted under Sections 302, 306 and 498A of the Indian Penal Code.

Let a copy of the application be served upon Mr. Imran Ali and Ms. S. Biswas, learned advocates, who are present in court today and who ordinarily appear on behalf of the State. Their engagement may be regularised in due course by the competent authority of the State.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner had superannuated from his employment with the Bidhannagar Municipal Corporation. At present he is aged about 64 years. He had been regularly attending the Court. However, since his learned Advocate who had been

conducting his case before the learned trial Court passed away, he was not properly intimated about when attend the Court next. A warrant of arrest was issued on 05.06.2016 and had remained pending since then. The petitioner wants to join the proceeding at the earliest.

Learned counsel appearing on behalf of the State opposes the application and submits that the warrant of arrest is pending since last four years. As such, the interim order of issuing of warrant of arrest ought not to be interfered with.

I have heard the submissions of the learned counsels appearing on behalf of the petitioner and the State and have perused the revision petition.

It appears that the warrant of arrest was issued as far back as in 2016. I am not satisfied with the explanation about the petitioner's inability to approach the learned trial Court since 2016.

In view of the above, I find no reason to interfere with the order issuing warrant of arrest.

However, since the petitioner is willing to join the proceeding at the earliest, the petitioner is directed to surrender before the learned trial court within four weeks from this date. In the event, the petitioner surrenders before the learned trial court within four weeks from this date and prays for bail, the same shall be considered in accordance with law.

With these observations, the revisional application is disposed of.

Urgent photostat certified copies of this order may be delivered to the learned Advocates for the parties, if applied for, upon compliance of all formalities.

(Jay Sengupta, J.)