

CRR 1911 of 2020

**Rajan Gujral & Anr.
Vs.
State of West Bengal**

In Re: An application under Section 482 of the Code of Criminal Procedure, 1973 in connection with Park Street Police Station Case No.10 of 2009, dated 15th January, 2009 under Sections 323/341/307/34 of the Indian Penal Code corresponding to G. R. Case No. 152 of 2009 pending before the learned Metropolitan Magistrate, Calcutta.

**Mr. Sandipan Ganguly, Sr. Advocate
Ms. Kabita Mukherjee
Ms. Sonali Panda
Mr. Manas Dasgupta
.....For the Petitioners
Mr. Arijit Ganguly
Mr. Sanjib Kr. Das
.....For the State**

The petitioners are directed to serve upon Mr. Arijit Ganguly, learned advocate who ordinarily appears for the State.

It has been brought to the notice of this court that earlier on 06.03.2020 in CRR 647 of 2020 a direction was passed wherein time frame was assigned by this court for appearance before the learned Metropolitan Magistrate, 9th Court, Calcutta.

Mr. Ganguly, learned senior advocate appearing for the petitioners submits that although the certified copy was applied on 06.03.2020 the same was ready and handed over on 17.03.2020 and on and from 18.03.2020 the courts started functioning in a staggered manner.

In view of the peculiarity of the circumstances which arose because of the circumstances beyond the control of the

petitioners, I direct an opportunity must be granted to the petitioners in tune with the spirit of the order dated 06.03.2020. As such the petitioners would surrender before the learned Metropolitan Magistrate, 9th Court, Calcutta by 31.01.2021 and in case they surrender within the said period, the learned court would allow them to continue with the order of anticipatory bail granted on 27.01.2009 passed by the learned Chief Judge, City Sessions Court, Calcutta in consonance with the Judgement of the Hon'ble Apex Court in Sushila Aggarwal & Ors. Vs. State (NCT of Delhi) & Anr. (2020 SCC OnLine SC 98). The petitioners in the meantime would meet with the Officer-in-charge, Park Street Police Station once a week on and from 11.01.2021 until further orders. The warrant of arrest so issued by the learned Metropolitan Magistrate, 9th Court, Calcutta is stayed till 03.02.2021. If the petitioners do not surrender by 31.01.2021, the learned Magistrate would be at liberty to proceed to the next stage of harsher process of law.

With the aforesaid observations CRR 1911 of 2020 is disposed of.

The learned Metropolitan Magistrate, 9th Court, Calcutta is directed to act on the server copy of this order.

(Tirthankar Ghosh, J.)