

06.01.2021
Sl. No.26

Court No.42
BM

CRR 1931 of 2020

Sk. Jiarat
Vs.
The State of West Bengal

Mr. Tapan Datta Gupta
Mr. Parvej Anam ... for the petitioner

Mr. S. G. Mukherji, learned PP
Mr. Arijit Ganguly ... for the State

The petitioners are aggrieved by the order dated 11.11.2019 passed by the learned Chief Judicial Magistrate, Purulia, Sadar Court in connection with Jhalda Police Station Case No. 48 of 2001 dated 07.08.2001 under Section 302/201/34 of the Indian Penal Code.

The learned lawyer appearing for the petitioner draws the attention of this court to the impugned order dated 11.11.2019 and submits that although there was a direction upon the sureties to produce the accused persons and inform them there was no subjective satisfaction regarding the direction being complied with or not. There was no record before the court which reflects that such intimation was received by the sureties at all.

In view of the aforesaid warrant of arrest so issued by the learned trial court being prima facie against the settled position of law requires interference.

I have perused the order dated 11.11.2019 and I find that although sureties were directed to produce the accused, there is nothing on record which reflects that the sureties were communicated with the order dated 11.11.2019 or the earlier order

dated 17.04.2019. As the petitioner is before court for a considerable period of time and an undertaking is given by the learned lawyer appearing for the petitioner as a measure of last chance, without going into the details regarding the legality or illegality of the warrant of arrest so issued, I direct that the warrant of arrest so issued against the petitioner be stayed till 25.01.2021.

If the petitioners appear before the learned Chief Judicial Magistrate, Purulia, Sadar Court in connection with Jhalda Police Station Case No. 48 of 2001 on or before 22.01.2021, they would be allowed to continue on the same bail and bond subject to the condition that the petitioner would meet with the Officer-in-Charge, Jhalda Police Station twice in a week until further orders and get an acknowledgement regarding the compliance from the office of the learned Chief Judicial Magistrate, Purulia, Sadar Court once in a fortnight until further orders.

The warrant of arrest so issued by the order dated 11.11.2019 is stayed till 25.01.2021. If the petitioners do not appear before the court on or before 22.01.2021, the warrant of arrest so issued would revive and the learned Chief Judicial Magistrate, Purulia would proceed with the case.

With the aforesaid observation CRR 1931 of 2020 is disposed of.

Urgent xerox certified copy of this order, if applied for, be given to the learned advocates for the parties on the usual undertaking.

(Tirthankar Ghosh, J.)