

CRR 4 of 2021
(Through Video Conference)

Radhe Shyam Saini @ Rajesh Saini Petitioner
Vs.
The State of West Bengal ... Respondent

Mr. Hillol Saha Podder, Advocate
...for the Petitioner

Mr. Kallol Acharjee
Mr. Sourav Ganguly
...for the State

In this revisional application by the order dated 2nd September, 2019 passed by the learned Chief Judicial Magistrate, Jalpaiguri in connection with GR Case No.5091 of 2015 arising out of Bhaktinagar Police Station Case No.1742 of 2015 dated 16th December, 2015 under Section 407 of the Indian Penal Code, subsequently Sections 411/413/414/120B of the Indian Penal Code, which were added, a fresh warrant of arrest has been issued which is put under challenge.

Mr. Hillol Saha Podder, learned Advocate representing the petitioner, during the course of hearing has submitted that the petitioner is already on bail vide order dated 10th March, 2016 passed by the learned Chief Judicial Magistrate, Jalpaiguri. It has also been stated in paragraph 7 of this revisional application that due to failure on the part of the petitioner to appear before the learned Chief Judicial Magistrate, Jalpaiguri on 17th December, 2018, 1st of July, 2019 and lastly on 2nd September, 2019, the warrant of arrest has been issued

against him vide order dated 2nd September, 2019. It is also the contention made on behalf of the petitioner that due to failure on the part of the learned Advocate to take necessary steps in connection with the criminal proceedings pending before the learned Chief Judicial Magistrate, Jalpaiguri, the impugned warrant of arrest was issued vide order dated 2nd September, 2019.

The impugned order dated 2nd September, 2019 which is at page 19 of the revisional application is perused.

Mr. Sourav Ganguly, learned Advocate being assisted by Mr. Kallol Acharjee, learned Advocate who are present in court have been requested by the court to represent the State since at the time of hearing due to want of service no one is representing the State.

Let the engagement of Mr. Sourav Ganguly and Mr. Kallol Acharjee be regularized by the learned Public Prosecutor.

A copy of the revisional application has been handed over to Mr. Ganguly and he has submitted before this court that the warrant of arrest issued vide impugned order dated 2nd September, 2019 might be due to failure on the part of the petitioner to appear on the dates fixed by the court consecutively on three occasions.

Considering the rival contentions made on behalf of the contesting parties, this court directs the petitioner to appear before the learned Chief Judicial Magistrate, Jalpaiguri within three weeks from this date to receive further order.

The issuance of warrant of arrest against the petitioner vide order dated 2nd September, 2019 is hereby stayed during this period of three weeks as mentioned above. On the date the petitioner shall appear

before the learned Chief Judicial Magistrate, Jalpaiguri in terms of this order, he shall be at liberty to take steps in accordance with law, if so advised.

With the above direction, the revisional application is disposed of.

Urgent photostat certified copy of the order shall be supplied to the parties on making application upon compliance of formalities.

(Saugata Bhattacharyya, J.)