

23.09.2022
S/L No.20
KS

C.R.R. 78 of 2021
With
IA No. CRAN 1 of 2021
Bhagwan Mishra
-Vs.-
The State of West Bengal & Ors.

Mr. Amitabha Ghosh
Ms. Nabanita Chatterjee
Ms. Rama Haldar
..... For the Petitioner

Mr. Sudip Ghosh
Mr. Bitasok Banerjee
.....For the State

Ms. Chandreyi Alam
Ms. Runu Mukherjee
.....For the O.P. No.3

The present case was registered in the year 1999 and charge-sheet was filed in the year 2002. Petitioner has approached this Court with a prayer for quashing of the proceedings. The orders of the Learned Magistrate reflect that warrant of arrest is pending and the subsequent harsher process of law have not been issued by the said Court nor prayed by the prosecution.

Learned advocate submits that the petitioner happens to be a CISF personnel who faced the disciplinary proceedings and was reinstated pursuant to a judgment of the Hon'ble Division Bench of the Calcutta High Court.

In view of the fact that the petitioner is a CISF personnel and has suffered for his act and action in the disciplinary proceedings, I am of the opinion that the petitioner may be allowed to face the trial in the

Jurisdictional Court. As undertaken by the learned advocate appearing for the petitioner that the petitioner would appear before the Jurisdictional Court, consequently, the warrant of arrest so issued and pending before the Learned Court is stayed till 30th November, 2022. Petitioner would surrender within the aforesaid period and in case the petitioner surrenders, the Learned Court would take into account whether there is any chance of absconsion as he is a CISF personnel and decide his prayer for bail in accordance with law. In case the petitioner does not surrender by 30th November, 2022, the learned Court would issue harsher process of law on 1st December, 2022 so that the petitioner can be brought within the ambit of trial of the present case.

With the aforesaid observation, C.R.R. 78 of 2021 is disposed of.

Pending applications, if any, are consequently disposed of.

All parties are directed to act on the server copy of this order downloaded from the official website of this Hon'ble Court.

(Tirthankar Ghosh, J.)