

CRR 191 of 2022
(via video conference)

In the matter of:- Samsur Tarafdar @ Samchul Tarafdar & Anr.
...petitioners

Mr. Susnigdho Bhattacharyya.
...for the petitioners.

Mr. Bidyut Roy,
Ms. Debjani Sahu.
....for the State.

This is an application seeking stay of warrant of arrest issued against the accused petitioners in a case under Sections 395 and 397 of the Penal Code.

Let a copy of this application be served upon Mr. Bidyut Roy and Ms. Debjani Sahu, learned Counsels who ordinarily appear on behalf of the State. Let them represent the State. Their engagement may be regularised by the competent authority of the State in due course.

Learned Counsel appearing on behalf of the petitioners submits as follows. The petitioners are the accused in this case. Initially the First Information Report was lodged against unknown persons. A charge sheet was submitted implicating the present petitioners and another. The other co-accused passed away. In 2010, the present petitioners obtained bail. However, due to some miscommunication with the learned advocate, they could not be remained present on the subsequent dates. A Warrant of arrest was issued in 2010 itself and has remained pending. The petitioners want to join the proceedings at the earliest.

Learned Counsel appearing on behalf of the State submits that the petitioners had absconded since 2010. As such, they do not observe the warrant of arrest issued against them to be stayed.

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 since the issuance of warrant of arrest in 2010, the petitioners had not appeared before the learned Trial Court. This is not a fit case for staying the warrant of arrest.

However, the petitioners are at liberty to surrender before the learned Trial Court and in the event the petitioners surrender before the learned Trial Court, it shall pass necessary orders in this regard.

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

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)