

Form No. J(2)

IN THE HIGH COURT AT CALCUTTA
CRIMINAL APPELLATE JURISDICTION

Present:

The Hon'ble Justice Jay Sengupta

C.R.R. 437 of 2022

Jahangir

-vs-

State of West Bengal

For the Petitioner : Mr. Asfak Ahamed

Heard on : 17.02.2022

Judgment on : 17.02.2022

Jay Sengupta, J.:

This is an application seeking stay of warrant of arrest issued in a case where a charge sheet was submitted under Section 376 read with Sections 511 and 506 of the Penal Code.

Learned counsel for the petitioner submits as follows. The petitioner is an accused in this case. He was unaware of the proceeding pending against him. That is why he could not submit to

the jurisdiction of the Court. He has now come to know that a charge sheet was submitted against him on 01.10.2020 and a warrant of arrest was issued on the said date. The petitioner wants to join the proceeding at the earliest.

I have heard the submissions of the learned counsel for the petitioner and have perused the revision petition.

This is not a case where the petitioner was on bail, was regularly attending court, and on a particular date he could not take steps before the learned trial court. On the contrary, this is a case where an FIR was lodged against the petitioner in 2018. A charge sheet was submitted showing the petitioner as absconder. Thereafter, on 01.10.2020 a warrant of arrest was issued against the petitioner.

Thus, the petitioner appears to have been absconding for a considerable time. He could have either prayed for anticipatory bail or could have surrendered before the learned trial court. But, he choose not to do so.

In the facts and circumstances, I do not consider this to be a fit case to stay warrant of arrest.

Accordingly, the revisional application is dismissed.

There shall, however, be no order as to costs.

It is needless to say that the petitioner is always at liberty to either pray for anticipatory bail or surrender before the learned trial court.

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

(Jay Sengupta, J.)

tbsr