

11.05.2022
Item No. 42
d.g.
Ct. No.34

CRR 229 of 2016

Nikunja Manna & Ors.
vs.
The State of West Bengal & Anr.

Mr. Arijit Ganguly,
Mr. Sanjib Kumar Dan.

... for the State

The present revisional application has been preferred challenging the order dated 5.8.2015 in connection with Tamluk P.S. case no. 581 of 2014 wherein warrant of arrest was issued against the petitioners in connection with a case under Sections 143/323/379/506 of the Indian Penal Code and Section 3 (i) (ii) (x) (xv) of the Schedules Castes and Scheduled Tribes Prevention of Atrocities Act.

None appeared on behalf of the State. Mr. Arijit Ganguly, learned Advocate is directed to represent the State. His appointment may be regularized by the concerned authorities.

I have perused the order which have been enclosed alongwith the revisional application and I find that the Investigating Officer prayed for issuance of warrant of arrest pursuant to charge-sheet being submitted before the jurisdictional Court.

Having regard to the guidelines set up by the Hon'ble Supreme Court in the case of ***Inder Mohan Goswami & anr. vs. State of Uttaranchal & Ors. (2007) 12 SCC 1***, the learned Magistrate should not at the first instance

issued non-bailable warrant of arrest against the petitioners and allowed them to participate and appear before the Court. Thus, the issuance of warrant of arrest passed against the accused persons is stayed for a period up to 30th June, 2022. In case the petitioners surrender before the learned Trial Court within the said period, the learned Trial Court would consider their application for bail in accordance with law. Keeping in mind, the fact that they were never in custody or were required during investigation by the Investigating agency.

Mr. Ganguly, learned Advocate appearing for the State is directed to inform the Officer-in-Charge of Tamluk Police Station who would serve notice and inform the order passed by this Court to the petitioners for taking proper steps within the time period referred to above.

However, if the petitioners do not surrender by 30th June, 2022, in that event, the learned Trial Court would revive the warrant of arrest earlier issued on 1st July, 2022.

With these observations, CRR 229 of 2016 is disposed of.

All pending applications, if any, are consequently disposed of.

All parties shall act on the server copy of this order duly downloaded from the official *website* of this Court.

(Tirthankar Ghosh, J.)