

27.04.2022
Item No.1
Ct. No.7
CHC
(disposed of)

**C.O.731 of 2020
IA NO: CAN/1/2022
(not in file)
(Physical Hearing)**

**Tripti Sarkar
Vs.
Suddhasil Das & ors.**

Mr. Subrata Bhattacharjya
...for the petitioner

The matter has come up in the list upon mentioning.

The subject-matter of challenge in this revisional application is against the order dated 17th February, 2020, issuing non baleable warrant against the petitioner being Jdr no.4.

Mr. Bhattacharjya, learned advocate appearing for the petitioner submits that time and again steps have been taken to ensure service, but such exercise has ultimately proved to be in vain.

As per submission disclosed by the learned advocate for the petitioner that petitioner/Jdr no.4 is senior citizen having comorbidity, besides being female.

Upon perusal of the impugned order, it appears that revisional application has been moved before this Court on 2nd March, 2020, when there was an order of stay granted till June, 2020.

Issuance of non bailable warrant against the petitioner is alleged to be without jurisdiction. That being the only point, the same is left to be decided by the court below issuing non-bailable warrant of arrest. No further elaboration is called for.

Let there be an order directing stay of execution of nonbailable warrant of arrest for a period of three weeks from hence, subject to the condition that petitioner/Jdr No.4 shall surrender before the court below within such time, and if any application for her release or bail is filed, the same shall be disposed of in accordance with the law, providing sufficient opportunity of hearing to either of the parties to this case.

While considering prayer for release, and/or bail, the jurisdictional issue now raises, may also be resolved by the court below in accordance with the law.

With this observation and direction, the revisional application stands disposed of.

Urgent certified photostat copy of this order, if applied for, be given to the parties as expeditiously as possible on compliance of all necessary formalities.

(Subhasis Dasgupta, J.)