

C.R.R. 1015 of 2022

In the matter of:- **Anowara Bibi @ Anowara Sarkar**

Mr. Manojit Bhattacharya

...for the petitioner
Ms. Manisha Sharma
...for the State

This is an application challenging issuance of warrant of arrest against the petitioner.

Let a copy of this application be served upon Ms. Manisha Sharma, learned advocate, who is present in Court today and who ordinarily appears on behalf of the State. Her engagement may be regularised in due course by the competent authority of the State.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is an accused in a case under Section 376 (2) (f) read with Section 109 of the Indian Penal Code and Section 4 of the POCSO Act. Since the time of submission of charge-sheet, the petitioner was found absconding and a warrant of arrest was issued against her for the first time on 10.12.2014. The husband of the petitioner, however, was in custody. He faced the trial and was found not guilty of the alleged offences. The warrant of arrest is still pending against the present petitioner. She

wants to join the proceeding at the earliest.

Learned counsel appearing on behalf of the State submits that as the warrant of arrest is pending since 2014, this is not a fit case to stay the warrant of arrest.

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 the present petitioner deliberately remained absconding since 2014. Now that her husband has been acquitted of the charges, she has decided to approach this Court.

As the warrant of arrest is pending since 2014, I do not find that this to be a fit case for stay of the warrant of arrest. However, the petitioner shall be at liberty to surrender before the learned trial Court.

In the event, the petitioner surrenders before the learned trial Court and prays for bail, her application for bail shall be considered in accordance with law.

With these observations, the revisional application is disposed of.

Urgent photostat certified copies of this order may be delivered to the learned Advocates for the parties, if applied for, upon compliance of all formalities.

(Jay Sengupta, J.)