

05.04.
2022

CRR 1061 of 2022

In the matter of:- Dhananjay Mondal

Mr. Amitabha Karmakar
Mr. Arup Kumar Bhowmick
.....for the petitioner

Mr. Imran Ali
Ms. Manisha Sharma
.....for the State

This is an application challenging a warrant of arrest issued against the petitioner in a case under Section 6 of the POCSO Act.

Let a copy of this application be served upon Mr. Imran Ali and Ms. Manisha Sharma, learned counsels, who are present in Court today and who ordinarily appear on behalf of the State. Their 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 this case. He was granted bail in the year 2017. Due to miscommunication with the learned advocate the accused was unable to take steps or appear before the learned trial court. Accordingly, a warrant of arrest was issued against the petitioner. The same has remained pending. At present, the petitioner wants to

join the proceeding at the earliest.

Learned counsel appearing on behalf of the State opposes the prayer and submits that as the petitioner was absconding since 2017, the warrant of arrest issued against him ought not be interfered with.

I have heard the submission of the learned counsels appearing on behalf of the petitioner and the State and have perused the revision petition.

It appears that the petitioner was granted bail after some days of being in custody. However, after that he did not attend the court or take any steps before the learned trial court.

Therefore, this is not a fit case where the warrant of arrest issued against the petitioner could be stayed.

However, it shall be open to the petitioner to surrender before the learned trial court at the earliest and in the event the petitioner surrenders and prays for bail, the petitioner's application for bail shall be considered by the learned trial court in accordance with law.

With these 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.)

