

D/L88
June 16,
2022
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C.R.R. No.1065 of 2022

In Re: An application under Section 482 read with Section 401 of the
Code of Criminal Procedure, 1973;

Somenath Bhattacharyya
Versus
The State of West Bengal & Anr.

Mr. Mrityunjoy Chatterjee,
Mr. Susnigdho Bhattacharyya,
Mr. Debapriya Majumder.
...for the petitioner.

Mr. Shibaji Kumar Das,
Ms. Rupsa Sreemani.
...for the opposite party no.2.

Affidavit of service so filed be kept with the record.

Learned advocate appearing for the petitioner submits
that the order dated 22.07.2019 issuing warrant of arrest at the
first instance is without any subjective satisfaction regarding any
absconscion or evasion of the process of law.

Learned advocate submits that the settled proposition of
law is that the court at the first instance should issue summons,
bailable warrant of arrest and thereafter proceed to issue non-
bailable warrant of arrest and subsequent processes of law.

Having regard to the fact that the warrant of arrest was
issued without recording any subjective satisfaction, I direct the
petitioner to surrender before the jurisdictional court by 30th July,
2022. The execution of the warrant of arrest should be stayed till
1st August, 2022. In case the petitioner surrenders, the learned
Magistrate will consider the application for bail in accordance with

law. In case the petitioner does not surrender within the specified time period, the learned Magistrate would revive the warrant of arrest on 2nd August, 2022 and thereafter resort to harsher process of law.

With the aforesaid observations, CRR 1065 of 2022 is disposed of.

Pending application, if any, is consequently disposed of.

Learned Magistrate is directed to act on the server copy of this order.

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

(Tirthankar Ghosh, J.)