

11.05.
2022

CRR 1288 of 2022

In the matter of:- Swapan Sk.

Mr. Goutam Roy
Mr. Rameswar Sinha
.....for the petitioner

Mr. Tanmay Kr. Ghosh
Md. Kutubuddin
.....for the State

This is an application challenging the issuance of warrant of arrest in a case under Section 302 read with Section 34 of the Penal Code.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is an accused in this case. He was granted bail in connection with the present case on 08.12.2014. Thereafter, he regularly attended court. However, he was arrested in connection with a case under the NDPS Act on 05.02.2017. That is why, he could not appear in court in respect of the present case or takes any steps. He was finally acquitted in the second case on 02.03.2020. Even after that he could not take steps in respect of the earlier case because of the onset of Covid-19 pandemic. However, the petitioner wants to join the proceeding at the earliest.

Learned counsel on behalf of the State submits that it is now true that warrant of arrest was issued against the present petitioner in connection with the instant case for the first time on 02.03.2017 and that was after the petitioner was arrested in connection with the second case. In any event,

the petitioner should surrender before the learned trial court at the earliest.

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

Although the warrant of arrest has remained pending since 2017, earlier the petitioner had been regularly attending court after being granted bail. It is only after his arrest in connection with the case under the NDPS Act on 05.02.2017 that warrant of arrest was issued in connection with the present case.

In view of the above, let the warrant of arrest issued against the petitioner remain stayed for a period of four weeks from this date. The petitioner shall surrender before the learned trial court within the said period of four weeks from this date. In the event, the petitioner surrenders before the learned trial court within the stipulated time period of four weeks and prays for bail, then his application for bail shall be considered 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.)