

01.04.2022

Item No.42
Ct.No.34
dc.

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION**

C.R.R. 1362 of 2018

**Baya Patra alias Basudeb Patra
versus
The State of West Bengal**

In Re: An Application under Article 227 of the Constitution of India.

Mr. Arijit Ganguly,
Mr. Saryati Datta

... For the State.

The subject matter of challenge in this revisional application relates to the mode and manner of issuance of warrant of arrest by the learned Additional Chief Judicial Magistrate, Contai in G.R. Case No. 830 of 2012 under Sections 394/397 of the Indian Penal Code.

The contentions advanced in this revisional application reflect that in respect of the warrant of arrest earlier issued in connection with Khejuri Police Station Case No. 158 of 2012 dated 31.07.2012, by an order dated 03.02.2015 in CRR 119 of 2015, the warrant of arrest was set aside. The said order was communicated on 16.03.2015.

The grievance of the petitioner is that in spite of the Hon'ble High Court directing the learned Magistrate to pass a reasoned order prior to issuance of warrant of arrest, without assigning such reason, warrant of arrest which was earlier issued, the execution return of the same was being continued by the learned Magistrate.

On perusal of the order-sheets, it reflects that the present petitioner till date has not appeared before the court. The purpose of warrant of arrest initially issued was for compelling the appearance of the petitioner. The charge-sheet was submitted in the year 2014. Today, we are in the year 2022. Over this issue, more than 8 years have passed. Having regard to the passage of time and the conduct of the petitioner who could have made himself physically present, I am of the opinion that the issue, which was canvassed and had legal importance at the initial stage, has diluted with the passage of time. As such, no interference is made regarding the warrant of arrest which was subsequently issued and which was lastly reflected in the order dated 14.07.2017 which has been enclosed along with this revisional application.

Thus, the revisional application being CRR 1362 of 2018 is dismissed.

Interim order, if any, is hereby vacated.

All pending connected applications, if any, are consequently disposed of.

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

(Tirthankar Ghosh, J.)