

27-09-2022
Subha
Item no.74

Ct no.34

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

CRR 1311 of 2021

Mahendra Kayal
-versus-
State of West Bengal & Anr.

Re : An application under Section 482 of the Code of Criminal Procedure.

Mr. Munshi Ashiq Elahi
Mr. Tirthankar Mukherjee
Ms. Madhurima Sarkar

...for the Petitioner.

Affidavit of service and Supplementary affidavit filed by the petitioner be kept with the record.

Learned advocate for the petitioner submits that in spite of payments being made, there are regular reminders by the learned trial court for executing the warrant of arrest. Learned advocate for the petitioner refers to Photostat copy of the receipts in respect of the amount, which has been tendered.

In view of the submissions advanced by the learned advocate for the petitioner, I am of the opinion that the main grievance relates to the fact that in spite of payments being made, the warrant of arrest is kept pending.

On perusal of the aforesaid issue, I direct the learned Judicial Magistrate, 4th Court, Barrackpore to ascertain the total dues of the execution case and the amount which has been paid by the present petitioner towards the said dues. In case, more than 80% dues of the payment has been cleared, the learned Executing Court/Trial Court would recall the warrant of arrest and allow the petitioner some breathing time to clear the rest of the dues.

With the aforesaid observations, the revisional application being CRR

1311 of 2021 is disposed of.

Pending applications, if any, are consequently disposed of.

All concerned parties are to act in terms of a copy of this order duly downloaded from the official website of this court.

[Tirthankar Ghosh, J]