

26.07.2022
rc/ct.no.21
Item No.172

CRR No. 3426 of 2010

In the matter of : Gaurav Seksaria & Ors.

Mr. Arindam Jana
Mr. S. Dasgupta
Mr. Souman Lahiri
Mr. P. Bandyopadhyay ...for the petitioners

Mr. Y.J.Dastoor ...for the Opposite Parties

It is submitted by the learned counsel appearing on behalf of the petitioners that petitioner nos. 5 and 6 have died during the pendency of this revisional application and petitioner no. 3 has been suffering from leukaemia and she in a state of coma.

In this revisional application, the petitioners have challenged an order dated September 06, 2010, whereby the learned Metropolitan Magistrate, 8th Court, Calcutta issued a warrant of arrest against the petitioners on a petition filed by the opposite party no. 2. In the said petition it was alleged that the petitioners were supposed to surrender before the learned Metropolitan Magistrate, 8th Court, Calcutta on March 11, 2010 and to obtain bail in connection with Complaint Case No. C-584 of 2010 under Sections 417/465/467/468/471/120B/34 of the Indian Penal Code, 1860 filed by opposite party no. 2 against them. On the said date the petitioners did not appear, but they arranged some other persons to appear and obtain bail in their name.

The warrant was issued by the learned Magistrate due to the failure of the petitioners to be present before him despite his specific direction in the wake of such serious allegations.

The said order does not call for any interference.

The interim order of stay granted on September 20, 2010, in the application has already lost its force and there is no justification to keep this revisional application pending.

It is submitted by the learned counsel appearing on behalf of the petitioners that the petitioners no. 1, 2 and 4 shall surrender before the learned Metropolitan Magistrate, 8th Court, Calcutta and file application seeking appropriate reliefs. If any such application is filed before the learned Metropolitan Magistrate, the same shall be considered in accordance with law.

It is expected that the Complaint Case No. C-584 of 2010 be disposed of by the learned Metropolitan Magistrate, 8th Court, Calcutta as expeditiously as possible, preferably within a period of one year from date without granting any unnecessary adjournment to either of the parties.

Accordingly CRR No. 3426 of 2010 is disposed of

Urgent photostat certified copy of this order, if applied for, be given to the parties.

(Kausik Chanda,J)