

18.02.2022

Item No.23
Ct.No.34
dc.

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

C.R.R. 1907 of 2020
(Via Video Conference)

**Sanjay Ghosh
versus
The State of West Bengal**

In Re: An Application under Section 482 of the Code of Criminal Procedure filed for quashing of proceedings being G.R. No.1036/2018 pending before the learned Chief Judicial Magistrate, Malda arising out of English Bazar Police Station Case No. 248/2018 dated 18.03.2018 under Sections 308/186/353/333/34 of the Indian Penal Code and Section 25 (1-B)/35 of the Arms Act.

Mr. Amitabha Karmakar,
Mr. Arup Kumar Bhowmick ... For the Petitioner.

Md. Anwar Hossain,
Ms. Sujata Das ... For the State.

At the outset, Mr. Karmakar, learned advocate appearing for the petitioner submits that the petitioner presently will not agitate the merits of the FIR or the charge-sheet and would prefer to do the same at the time of consideration of the charge. As such, the merits of this matter is not taken up. The learned advocate restricts his submission regarding the warrant of arrest which has been issued by the jurisdictional court.

Mr. Hossain, learned advocate appearing for the State submits a report. The said report dated 10.02.2022 be kept on record.

The report reflects that next date has been fixed on 11.03.2022 for Execution Return of Warrant of Arrest. Record reflects that the petitioner is a BSF personnel and presently is posted at a different location.

Having regard to the fact that the investigation has already been concluded and the petitioner undertakes to surrender before the learned Chief Judicial Magistrate, Malda on or before the next date so fixed by the learned court, I direct that the warrant of arrest so issued be stayed till 15.03.2022.

The learned Chief Judicial Magistrate, Malda would assess the genuinity of the submission made before this Court regarding the fact that the petitioner happens to be a BSF personnel. To that extent, the petitioner would produce his identity card and other documents. Thereafter, if the learned Magistrate feels that custodial interrogation of the petitioner is not necessary for the purpose of the case, the learned Magistrate would allow the petitioner to furnish bond according to such terms and conditions as the learned Magistrate thinks fit and proper.

With the aforesaid observations, the revisional application being CRR 1907 of 2020 is disposed of.

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

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Tirthankar Ghosh, J.)