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IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
CRIMINAL REVISIONAL JURISDICTION

C.R.R 211 of 2022

In Re: An application under Section 482 read with Section 401 of the
Code of Criminal Procedure, 1973;

Sri Manabendra Singha @ Sinha
Versus
The State of West Bengal and another

Mr. Subham Ghosh.
...for the petitioner.

Mr. Aditi Shankar Chakraborty,
Mr. Aniruddha Biswas.
...for the State.

Learned advocate appearing for the petitioner submits that, being aggrieved by the warrant of arrest issued by the learned Judicial Magistrate, 3rd Court, Alipurduar, the present petitioner being an accused in C.R. Case No.24 of 2021 approached the learned Sessions Judge.

It has been submitted that a Criminal Revision being No.42 of 2022 was preferred before the learned Additional District and Sessions Judge, Alipurduar. Initially, there was an interim order and, subsequently, the learned court was pleased to vacate the interim order as the learned advocate did not appear on the date so fixed. The attention of this Court has

been drawn to the order dated 26.08.2022 wherein the next date has been fixed on 9th November, 2022 for appearance and LCR.

I have considered the issue for which the present revisional application has been preferred before this Court. The primary grievance of the petitioner is in respect of warrant of arrest issued by the learned Judicial Magistrate in a case under Section 138 of the Negotiable Instruments Act. On an overall assessment, I am of the opinion that the revisional application can be disposed of by passing the following directions/orders.

The petitioner would deposit a sum of Rs.60,000/- being 20% of the amount of the cheque which is the subject matter of the proceedings under the Negotiable Instruments Act before the learned Judicial Magistrate, 3rd Court, Alipurduar. Such amount would be tendered through the learned advocate appearing for the petitioner before the learned Judicial Magistrate which would be kept as a deposit during the pendency of the proceedings and would be subject to outcome of the decision of the trial court.

The warrant of arrest so issued by the learned Judicial Magistrate, 3rd Court, Alipurduar would be recalled pursuant to the amount deposited by the petitioner.

As this order is being passed pursuant to the undertaking given by the learned advocate appearing for the petitioner, who is worried with the liberty of the petitioner, I am

of the opinion that the Criminal Revision no.42 of 2022 pending before the learned Additional District and Sessions Judge becomes redundant. Accordingly, Criminal Revision No.42 of 2022 would be deemed to be disposed of pursuant to the order passed in the present revisional application.

Learned Additional District and Sessions Judge, Alipurduar is directed not to proceed any further with the revisional application and as a final order record the revisional application to be disposed of pursuant to the direction passed by this Court. If the records have arrived before the learned Additional District and Sessions Judge, Alipurduar, all efforts must be taken to return back the LCR of the learned Judicial Magistrate within a week from date.

As submitted by the learned advocate for the petitioner that the said amount of Rs.60,000/- would be deposited before the learned Judicial Magistrate, 3rd Court, Alipurduar in connection with C.R. Case No.24 of 2021 by 23rd September, 2022, the warrant of arrest so issued accordingly be stayed till 26th September, 2022. In case, the petitioner does not comply with the aforesaid directions, learned Magistrate is directed to take harsher steps of law on 27th September, 2022.

With the aforesaid observations, CRR 211 of 2022 is disposed of.

Department is directed to communicate this order to

the learned Judicial Magistrate, 3rd Court, Alipurduar as also the learned Additional District and Sessions Judge, Alipurduar in course of this week.

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

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

(Tirthankar Ghosh, J.)

