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C.R.R. No.1180 of 2023

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

Amiya Kumar Biswas
Versus
The State of West Bengal and another

Mr. Ujjal Ray,
Mr. Sk. Abdur Rahim.
...for the petitioner.

Petitioner is a septuagenarian who submits that he had been taken to custody and is suffering from various ailments. There has been warrant of arrest pending against him in respect of the execution case being M. Ex. Case No.42 of 2012.

Mr. Ray, learned advocate appearing for the petitioner submits that subsequently all the dues were paid but the present execution case is pending and the petitioner is unable to explain to the learned Magistrate regarding the dues being cleared.

I have considered the submission of the learned advocate appearing for the petitioner and also taken into account the order-sheet pursuant to which the warrant of arrest was issued.

In view of the plea taken up before this Court, I direct the warrant of arrest so issued by the learned Magistrate in connection with the aforesaid execution case be kept in abeyance till 29th June, 2023.

Petitioner himself personally or through his learned advocate would appear before the learned Judicial Magistrate, 1st Court, Barasat, North 24 Parganas and explain regarding the

quantum which has been paid till date and satisfy the court that there is no dues in respect of the subject matter of the case for which warrant of arrest was issued. The learned Magistrate would consider the accounts placed by the petitioner and if he or she is satisfied would drop the proceedings or in the alternative revive the issuance of warrant of arrest on 30th June, 2023.

With the aforesaid observations, CRR 1180 of 2023 is disposed of.

Pending application, if any, is consequently 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 of all requisite formalities.

(Tirthankar Ghosh, J.)