

Form J(1)

**IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction
Appellate Side**

**Present :
The Hon'ble Justice Bibek Chaudhuri**

C.R.R. 1250 of 2023

***Sekh Abdul Latif
Vs.
Susanta Bhattacharya & Anr.***

**For the petitioner : Mr. Rajdeep Mazumder, Adv.
Mr. Moyukh Mukherjee, Adv.
Mr. Pritam Roy, Adv.
Mr. Soewel Bhattacharjee, Adv.**

Heard on : 17.04.2023.

Judgment On : 17.04.2023.

Bibek Chaudhuri, J.

Indisputably, the accused/petitioner is an accused as per supplementary charge-sheet in connection with Special CBI Case No.01/2021 under Sections 7/11/12 of the Prevention of Corruption Act.

The petitioner is aggrieved by an order dated 23.09.2022 passed by the learned Judge Special (CBI) Court, Asansol issuing warrant of arrest against the accused on the following grounds:-

- 1.** The principal accused, namely Enamul Haque was enlarged on bail by the Apex Court in connection with this case;

2. Initially petitioner was served with a notice under Section 160 of the Code of Criminal Procedure by the Investigating Officer of the case directing him to produce some documents which he duly complied;
3. Warrant of arrest was issued against the accused in violation of the principles of the Apex Court in ***Inder Mohan Goswami Vs. State of Uttaranchal, (2007) 12 SCC 1, Aman Preet Singh Vs. CBI, (2021) SCC online SC 941*** and ***Siddharth Vs. State of UP & Anr, (2022) 1 SCC 676.***;
4. When the accused cooperated with the investigation, on submission of charge sheet the Court should issue summons upon him directing his appearance.

The above mentioned case under the Prevention of Corruption Act is commonly known as cattle smuggling case involving hundreds of crores of rupees. The petitioner did not surrender before the Court after filing charge-sheet voluntarily. The learned Trial Judge uses his discretionary power on overall consideration of the case.

It is strongly submitted by the learned Advocate for the petitioner that in ***Satender Kumar Antil Vs. Central Bureau of Investigation & Anr, (2022) 10 SCC 51***, the offence under which charge-sheet has been filed falls within the category-A offence and

the Court is under obligation to first issue summons upon the accused. On his failure to issue summon, the Court will issueailable warrant if the accused does not appear on the strength ofailable warrant, only then non-ailable warrant can be issued.

This Court is perfectly aware of the direction made by the Hon'ble Supreme Court in ***Satender Kumar Antil (supra)***. However, there is an exception in relation to heinous offences having serious ramification on the economy of the Country. I have already recorded that the case pending before the Trial Court is commonly known as cattle smuggling case. Crores and crores of money were smuggled by illegally sending the cattles to foreign Countries.

Therefore, this Court does not find any ground for admission of the instant revision.

Accordingly, the instant revision is rejected.

(Bibek Chaudhuri, J.)

***Mithun De/
A.R. (Ct).
SI No.07.
D/L.***