

D/L38
14.09.2023
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C.R.R.1379 of 2023

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

Prohalad Mondal @ Prahalad Mandal
Versus
Archana Mondal

Mr. Sourav Paul.
...for the petitioner.

Petitioner has challenged the order dated 8.12.2022 passed by the learned Judicial Magistrate, 2nd Court, Malda in connection with Case No. Ex.72 m/2022 wherein in an execution case under Section 125 of the Code of Criminal Procedure for realisation of Rs.10,000/-, warrant of arrest has been issued.

Records reflect that after distress warrant could not be executed, the said warrant of arrest has been issued.

I do not find any illegality in the order passed by the learned Judicial Magistrate.

Having regard to the overall circumstances, I direct that if the petitioner within a fortnight deposit a sum of Rs.5,000/-, the learned trial court will stay the warrant of arrest till 31st October, 2023 and if an amount of further Rs.5,000/- is deposited within 31st October, 2023, the learned Magistrate would recall the warrant of arrest. So far as the present stage of the warrant of arrest for the first 15 days is concerned, the same would be in the nature of bailable warrant.

With the aforesaid observations, CRR 1379 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.)