

May 3, 2023
AD – 51
Ct. 34
SG

CRR 1674 of 2021

In re. An application under Section 482
Read with 401 of the Code of
Criminal Procedure, 1973.

Badal Kandar
-versus-
The State of West Bengal and another

Mr. Manoranjan Jana
Ms. Mitali Jana

... for the petitioner.

Mr. Arijit Ganguly
Mr. Sanjib Kumar Dan

... for the State.

Mr. Aniket Mitra

... for the opposite party No.2.

Report submitted by learned advocate for the State reflects that warrant of arrest and proclamation of attachment was issued against the petitioner's non-appearance before the trial court.

I find from the order sheet that from 2014 till 2018 the petitioner was regularly appearing. However, because of absence of the witness or the public prosecutor the trial of the case could not proceed and subsequently the records are not available after 2009 presumably because of the absence of the warrant of arrest and proclamation of attachment issued by learned special court.

Having considered the facts that there has been a systematic delay and the petitioner also was diligent from

2012 till 2018, I am of the opinion that an opportunity must be given to the petitioner. The warrant of arrest and proclamation of attachment issued by learned special court be stayed till 31st May, 2023.

The petitioner is directed to surrender before the learned special court within 31st May, 2023. If the petitioner surrenders within the said period, learned trial court would allow him to continue on the same bail and bond. However, if the petitioner does not surrender by 31st May, 2023, on 1st June, 2023 the trial court would be at liberty to revive the warrant of arrest and proclamation of attachment was issued.

With the aforesaid observations, CRR 1674 of 2021 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.

(Tirthankar Ghosh, J.)

