

08-02-2023
Subha
Item no.96
Ct no.34

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

CRR 2722 of 2022

Rameshwar Rajbali Mishra & Ors.

-versus-

The State of West Bengal & Anr.

Mr. Sushil Kumar Mishra
Ms. Sabnam Laskar
Mr. Munshi Ashiq Elahi
....for the petitioners.

Learned advocate appearing on behalf of the petitioners submits that the present case is under the provisions of Section 138 of the N. I. Act and the learned trial court is insisting on physical appearance of the accused persons regularly.

The order dated 18th July, 2022 reflects that the petitioners also filed application under Section 205 of the Code of Criminal Procedure pursuant to non-execution of the warrant of arrest which was earlier issued and the order of attachment issued against the company.

In view of the nature of the allegations, I direct that the learned Magistrate would allow the petitioners to be represented under Section 205 of the Code of Criminal Procedure.

A representative of the company must be representing the company under Section 305 of the Code of Criminal Procedure to which a Board resolution would be submitted by and on behalf of the company/accused persons on 4th March, 2023.

The learned court is directed to impose conditions for the

appearance of the accused persons physically on the date of the examination under Section 251 of the Code of Criminal Procedure, under Section 313 of the Code of Criminal Procedure and on the date of the delivery of the judgement. This is in addition to any date learned court think that the physical presence of the accused persons are required. An undertaking be obtained from all the accused persons that they will not raise any question in any higher forum that they not being physically present before the court when the evidence was recorded was prejudicial.

The learned Magistrate would expedite the trial and at least fix one date in a month to take the trial to a logical conclusion within a reasonable period of time.

The warrant of arrest and the order of attachment so issued by order dated 18.07.2022 be kept in abeyance till further violations committed by the accused persons.

Accordingly, the present revisional application being CRR 2722 of 2022 is disposed of.

Pending applications, if any, are consequently disposed of.

All concerned parties are to act in terms of a copy of this order duly downloaded from the official website of this court.

[Tirthankar Ghosh, J]

