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C.R.R.2615 of 2023

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

Sri Soham Biswas
Versus
The State of West Bengal and another

Mr. Amitabha Ghosh.
...for the petitioner.

The present case relates to dishonour of a cheque amounting to Rs.7,88,780/-. The said cheque was dishonoured on 10th August, 2018. Consequently, after following the parameters and/or statutory requirements the complainant filed the case before the learned CJM, Purba Medinipur at Tamluk.

Record reflects that on 14.03.2019 the service return and acknowledgement due upon the opposite party/accused was received and, as such, it was considered to be a proper service by the learned Judicial Magistrate, 3rd Court, Tamluk who received the court records from the learned CJM. The next date was fixed on 05.07.2019 for execution return of warrant of arrest. On 05.07.2019, 16.09.2019, 20.02.2020, 25.06.2020, 20.02.2021, 19.05.2021, 24.08.2021, 21.01.2022, 11.03.2022 and 10.11.2022 the warrant of arrest could not be executed against this petitioner and, in fact, by the order dated 10th November, 2022, the learned Judicial Magistrate was pleased to direct personal appearance of the warrant officer. On 20th December, 2022, learned Magistrate expressed his frustration since the warrant officer also did not

appear for not executing the warrant of arrest and, as such, passed a direction that in case the warrant officer do not appear, proceedings would be drawn against him. On 2nd February, 2023, the warrant officer was absent and, as such, the learned Magistrate was pleased to direct the warrant of arrest to be executed against the warrant officer of Tamluk Police Station. On 18.05.2023 the warrant officer was present and prayed for time for execution of the warrant of arrest. As such, the date was fixed on 30th June, 2023. Order-sheet reflects that on 30th May, 2023 the accused appeared before the court and prayed for bail. On 30th June, 2023 date was fixed for appearance and plea. At the stage of plea on 30th June, 2023, learned Magistrate insisted that payment of Rs.1,00,000/- be made. Learned advocate therein prayed for time to make payment.

Having regard to the orders passed by the learned Magistrate in a proceeding where the legislative intent has been frustrated by the accused, I do not intend to interfere with the impugned orders.

Accordingly, CRR 2615 of 2023 is dismissed.

Pending application, if any, is consequently dismissed.

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.)

