

28.08.2023
Serial no. 23
[G.S.D]

CRR 3142 of 2023
With
CRAN 1 of 2023

In the matter of : Sanjay Kundu

... .. Petitioner

Mr. D. Dutta

... for the petitioner

Mr. Saswata Gopal Mukherjee
Mr. Saryati Datta

... For the State

In Re: CRAN 1 of 2023

Learned Advocate for the petitioner submits that there has been a delay of eight days in preferring the present revisional application.

Having regard to the reasons so assigned in the application and as the same are found to be just and sufficient, the prayer for condonation of delay is allowed.

CRAN 1 of 2023 is allowed accordingly.

In Re: CRR 3142 of 2023:

The petitioner is directed to serve a copy of this revisional application upon Mr. Saryati Datta, Learned Advocate, who ordinarily appears on behalf of the State. His appearance may be regularised by the concerned authority.

I find from the records of the case that the case was initiated in the year 2013 being Gopalnagar P.S. Case No. 334 of 2013 dated 4.9.2013 under Sections 395/397/412 of the IPC. One Sanjay Kundu has approached this Court for setting aside the order dated 10.5.2023.

The record reflects that earlier an application used to be filed in the name of the present petitioner. But on 21.11.2022 he was absent, when the warrant of arrest was issued and the same was reported on 28.3.2023 and, finally, on 10th May, 2023 proclamation and attachment was issued against the petitioner after the report relating to execution of warrant of arrest was not placed before the Court.

Having regard to the fact that the case was initiated in the year 2013 under Sections 395/397/412 of the IPC, I am of the view that the nature of the offences and the process so issued, must have some correlation.

Accordingly, the order dated 10.5.2023 issuing proclamation and attachment simultaneously without recording the subjective satisfaction is set aside. So far as the warrant of arrest, so issued earlier by the Learned ACJM, Bongaon on 28.3.23, survives.

The petitioner is directed to appear before the Court and pray for bail. Learned ACJM, Bongaon will consider his application for bail in accordance with law.

With the aforesaid observations, CRR 3142 of 2023 is disposed of.

Pending application, if any, is also disposed of.

Parties to act on a server copy of this order duly collected from the official website of the Hon'ble High Court at Calcutta.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties, subject to compliance with all requisite formalities.

(Tirthankar Ghosh, J.)