

18.09.2023
Serial no. 4
[G.S.D]

CRR 3178 of 2023

In the matter of : Charles Mantosh

... .. Petitioner

Mr. Satadru Lahiri
Ms. S. R. Das

... For the petitioner

Mr. Madhusudan Sur
Mr. Dipankar Paramanick

... for the State

Learned Advocate for the petitioner challenges the continuation of Phoolbagan P.S. Case No. 75 of 2000 dated 20.4.2022. By way of challenging the said proceedings, a revisional application was preferred by a co-accused before this Hon'ble Court in the year 2005, which was dismissed for default in the year 2021. The revisional application was pending before this Court with an interim order for a period of sixteen years and the Id. Advocate primarily submits that the dispute is between the landlord and the tenant over the same issue under Sections 380/427/451/454 of the IPC, can has been registered.

Mr. Sur, learned advocate for the state vehemently opposes the contentions advanced by the petitioner, more particularly, with regard to the execution of warrant, proclamation and attachment pending and the Id. Advocate submits that the case is 23 years old and the petitioners

have frustrated the proceedings by way of approaching the Hon'ble High Court and not diligently pursuing with the said case.

Be that as it may, having regard to the facts advanced, the offences complained of are Magistrate triable and the execution of warrant, proclamation and attachment has been pending, further, the revisional application was dismissed for default, which may not be for any fault on behalf of the petitioner himself, I direct that in case the petitioner surrenders by 26th of September, 2023, in that case, the Id. ACJM, Sealdah, will allow the petitioner to furnish bond on condition that he would be physically present on each and every date for the purpose of this case before the Id. Trial Court. The execution of the warrant, proclamation and attachment is stayed till 27th of September, 2023. In case, the petitioner do not appear within the schedule mentioned above, the Id. Trial Court will take steps in accordance with law for compelling the appearance of the petitioner in Court.

With the aforesaid observations, CRR 3178 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.

(Tirthankar Ghosh, J.)