

11-10-2023
Subha
Item no. 94
Ct no.34

*IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction*

CRR 3699 of 2023

Digbijoy Bhattacharjee

-versus-

State of West Bengal and Ors.

Mr. Apalak Basu
Ms. Sanghamitra Mridha
.....for the petitioner.

Petitioner is aggrieved by the warrant of arrest issued in connection with Execution Application No. EA/63/2019 arising out of Complaint Case No. CC/166/2013.

In view of the observations made by a co-ordinate Bench of this court in CRR 2890 of 2023, wherein it has been observed as follows :-.

“For the reasons stated above, this Court comes to an irresistible conclusion that in an execution application, the commission cannot issue warrant of arrest for enforcement of its order. The commission has, of course, the authority to issue warrant for detention of the judgement debtor in civil prison in accordance with the provision under the Code of Civil Procedure. It cannot issue warrant of arrest against the judgement debtor following the part ‘B’ of Chapter VI of the Code of Criminal Procedure.

In view of what has been stated above, this Court finds that the order dated 5th August, 2022 is palpably illegal.”

I am of the opinion that the order dated 19th June, 2023 issuing warrant of arrest requires interference. Accordingly, the said warrant of arrest which was issued initially issued and lastly

reiterated on 19-06-2023 is hereby set aside. The learned trial court would abide by the guidelines set out by the co-ordinate Bench in CRR 2955 Of 2022.

With the aforesaid observations, the present revisional application being CRR 3699 of 2023 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]