

18.10.2023
Serial no. 111
[G.S.D]

CRR 3939 of 2023

In the matter of : Avijit Saha @ Abhijit Saha

... .. Petitioner

Mr. S. S. Roy
Mr. Anindya Sundar Das
Mr. Soumya Das Mahapatra
Mr. Debapriya Samanta
Mr. Ratul Banerjee

... for the petitioner

Ld. Advocate for the petitioner is aggrieved by the fact that at the first instance, warrant of arrest has been issued in connection with Misc. Execution Case No. 301(IV) of 2022 by the Id. JM, First Class, 3rd Court, Ranaghat, Nadia.

According to the Id. advocate for the petitioner the said order is inherently illegal as at the first instance, it would be incumbent upon the Id. JM to issue warrant in the nature and manner as provided under sub-section (3) of Section 125 of the Cr.P.C. for recovery of the amount and not against the person concerned.

Ld. JM, First Class, 3rd Court, Ranaghat, Nadia is directed to first issue warrant for recovery of the arrears at the first instance and if there is any non-compliance, he would be at liberty to proceed to the subsequent stage.

Having considered the same, the order issuing warrant of arrest on 30th of November, 2022, is set aside. At the first instance, warrant for recovery of the arrears be issued, thereafter, the Id. Magistrate, if there is any non-compliance, would proceed in accordance with law.

With the aforesaid observations, CRR 3939 of 2023 is disposed of.

Pending application, if any, is 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.)