

M/L43
05.02.2024
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C.R.R.314 of 2024

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

Iqbal Hussain Ansari
Versus
The State of West Bengal and others

Mr. Jaydip Banerjee
Ms. Tanushree Dasgupta.
...for the petitioner.

Petitioner is the official liquidator against whom warrant of arrest has been issued by the learned Metropolitan Magistrate, 4th Court, Calcutta in connection with C 21183 of 2011 (CS/258372 of 2014). The aforesaid case is under Sections 138/141 of the Negotiable Instruments Act.

Records reflect that on or about 27th September, 2023 the learned Magistrate was pleased to issue warrant of arrest against the official liquidator. Earlier orders reflect that the learned advocate undertook to appear on the next date after filing vakalatnama, but thereafter did not appear, the possibility of the learned court after appearance of the lawyer has definitely created a space for issuing such warrant of arrest.

Be that as it may, the official liquidator is an authority under statute. His responsibility cannot be equated with other accused persons. Having regard to the totality of the circumstances, I am of the view that the warrant of arrest so issued on 27th September, 2023 be kept in abeyance till 5th April, 2024. The learned Magistrate will not insist on personal appearance of the

official liquidator. If a learned lawyer appears, files vakalanama and prays for time for satisfying the court regarding further continuance of the proceeding or the role of the official liquidator or the purposes for which the learned Magistrate has summoned the official liquidator, learned Magistrate will not unnecessarily take steps for compelling appearance of the official liquidator. So far as the merit of the case is concerned, learned trial court would dispose of the same independently once the learned lawyer appears before the learned Metropolitan Magistrate, 4th Court, Calcutta in connection with complaint case, warrant of arrest may be immediately recalled.

With the aforesaid observations, CRR 314 of 2024 is disposed of.

Pending connected application, if any, is consequently disposed of.

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.)