

08-04-2024
Subha
Item no.28
Ct no.34

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

CRR 1083 of 2024

Kartick Bhonja @ Kartik Bhonja @ Kartik Chandra Bhonja.
-versus-
The State of West Bengal and anr.

Mr. Arindam Sen
Mr. Saurav Basu
Mr. Samit Bhanja
Mr. Arka Roy
.....for the petitioner.

Mr. Debasish Roy
Mr. Arijit Ganguly
Mr. Reaz Bin Abedin
...for the State.

Petitioner is aggrieved by the order of warrant of arrest which has been issued on 03-02-2024 by the learned Additional Sessions Judge, 1st court, Paschim Medinipur and the special court under the relevant provisions of Scheduled Castes and Scheduled Tribes(Prevention of Atrocities) Act, 1989.

Learned advocate for the petitioner submits that he has complied with the notice issued under Section 41A of the Code of Criminal Procedure.

It has also been submitted that there are civil disputes pending between the parties and the present criminal case has been instituted pursuant to the outcome of the civil court decision.

Having regard to the fact that the warrant of arrest has been issued and the petitioner apprehends that he may be taken into custody, I direct that if the petitioner prefers an application for bail in that case the learned trial court would fix a date by issuing a

notice both to the de facto complainant and the State and fix a date for hearing of the bail application on which date the petitioner will be physically present. The learned trial court would assess whether the custody of the petitioner is warranted in the background of the fact of the case as chargesheet has already been submitted and the nature of the dispute complained of has its genesis so far as the civil disputes are concerned.

Needless to say that this court has not gone into the merits of the case and the learned trial court would independently consider the bail application without being influenced by any observations made by this court. The execution of the warrant of arrest is stayed till 25th April, 2024. The learned trial court will within the aforesaid period dispose of the bail application in the mode and manner as directed above. If the aforesaid period is over, the learned court on 26th April, 2024 would be at liberty to issue harsher process of law as is envisaged under the provisions of the Code of Criminal Procedure.

With the aforesaid observations, the present revisional application being CRR 1083 of 2024 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]

