

13.06.2024
rc/ct.no.34
Item No.12

CRR No. 1329 of 2024
with
CRAN No. 1 of 2024

In the matter of : Murshed Bazari @ Murshid Hazari & Ors.
.....petitioners

Mr. Kallol Kumar Basu
Md. Jannat Ul Firdous ...for the Petitioners

Mr. Debasish Roy
Mr. Saryati Datta ...for the State

Learned counsel for the petitioners submits that though the petitioners intend to surrender before the learned Additional Chief Judicial Magistrate, Kandi, Murshidabad, learned Magistrate refused to accept such surrender in view of the fact that charge sheet was submitted under Section 308 of the Indian Penal Code besides other provisions. According to the learned Magistrate, since the case was triable by the learned Court of Sessions, he was not in a position to accept the surrender.

The petitioners seek modification of the order passed by this Court on April 23, 2024 directing the learned Magistrate to allow the petitioners to surrender before his Court in terms of the order passed by this Court on April 23, 2024.

Upon consideration of the submission made on behalf of the parties, the order dated April 23, 2024 is modified to the extent that execution of proclamation would be stayed till June 21, 2024.

The petitioners shall surrender before the learned Additional Chief Judicial Magistrate, Kandi, Murshidabad within such time. If the petitioners file an application for bail before the learned Magistrate, the same will be dealt with by the learned Magistrate in accordance with law.

The remaining portion of the order shall remain unaltered.

CRAN No. 1 of 2024 is disposed of accordingly.

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 with all requisite formalities.

(Suvra Ghosh,J)