

CRR 2103 of 2024

Biswajit Biswas
Vs.
Registrar of Companies

Adv. Apalak Basu,
Adv. Nazir Ahmed,
Adv. Sanghamitra Mridha

... for the petitioner.

Adv. Rajdeep Mazumder, Ld. DSGI,
Adv. Moyukh Mukherjee,
Adv. Sankarshan Biswas,

...for the O.P.

On prayer of the petitioner, liberty is granted to amend the cause title of the application by incorporating the order dated 29th January, 2024 as one of the orders impugned.

The petitioner seeks quashing of warrant of arrest issued by orders dated 26th April, 2022 and 29th January, 2024 primarily on the ground that by the order dated 26th April, 2022, warrant of arrest was not issued at all by the learned trial Court and by the subsequent order of warrant of arrest was issued though summons could not be served upon the petitioner since he was not found at the address given. The petitioner undertakes to appear before the Court on the date fixed by the learned trial Court.

Learned counsel for the opposite party submits that summons could not be served upon the petitioner since the address given by the petitioner in the Register of Companies was not correct and the petitioner shifted to another address subsequently.

Be that as it may, since the learned trial Court, in the order dated 29th January, 2024, recorded that summons could not be served upon the petitioner since the petitioner was not residing in the address mentioned in the summons, the learned trial Court ought to have issued fresh summons upon the petitioner instead of issuing warrant of arrest addressed to the Inspector-in-charge, Narendrapur Police Station.

In view of above, both the orders impugned dated 26th April, 2022 and 29th January, 2024 are set aside/quashed.

The petitioner is directed to surrender before the learned trial Court within three weeks from date.

The learned trial Court shall deal with the said surrender, in accordance with law.

With the above observations and directions, the revisional application, being CRR 2103 of 2024 is allowed.

Urgent certified website copy of this order, if applied for, be given to the parties, upon compliance of all requisite formalities.

(Suvra Ghosh, J.)