

CRR 2104 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.

The petitioner seeks quashing of warrant of arrest issued by orders dated 18th December, 2020 and 10th October, 2023 in complaint case no. 16 of 2020 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 the 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 18th December, 2020, 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 18th December, 2020 and 10th October, 2023 in complaint case no. 16 of 2020 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 2104 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.)