

19.07.2024
23
jb.
jdt.

CRR 2828 of 2024

In Re: Goutam Ghosh

... Petitioner.

**Mr. Satadru Lahiri
Nr, Syed Wasim Faruque
Mr. Jyotirmoy Talukder
Mr. Saikat Dey
.... For the Petitioner**

Learned counsel for the petitioner submits that an order of conviction was made against the petitioner under Section 138 of Negotiable Instruments Act by the learned Metropolitan Magistrate, 8th Court, Calcutta on 27th April, 2017 sentencing him to suffer imprisonment till the rising of the Court and to pay Rs.90 lakhs as compensation to the complainant, in default to suffer simple imprisonment for a period of six months. Though the petitioner has suffered both the imprisonments as directed by the learned trial Court he was unable to pay the compensation amount of Rs. 90 lakhs for which the complainant filed an application under the Bengal Public Demands Recovery Act, 1913 for recovery of the amount as fine under Section 431 of the Act and for issuance of warrant of arrest for the levy of the amount by attachment and sale in terms of Section 421 of the Act.

Learned counsel submits that the petitioner filed an application before the learned trial Court for recalling the

warrant of arrest on the ground that the Certificate Officer has taken steps for attachment of the property measuring 4 cottah 8 chittaks in Mouza Duilya, J.L. no. 35, R.S. Dag no. 793(P), 793/1824 corresponding to L.R. Dag no. 804, 768, R.S. Khatian no. 756 corresponding to L.R. Khatian no 970, 1079, 1717,3612, Police Station-Sankrail, District-Howrah in respect of which a joint venture agreement has been entered into by the petitioner on June 29, 2013 and wherein the petitioner has been allocated the owner's share comprising three flats, and has issued notice for such attachment on 19th June, 2024. The authority has assessed the valuation of the property at Rs.1,26,02,160/-. The petitioner prayed before the learned trial Court for liquidating the dues by granting an order for attachment of the owner's allocation in the said property. Learned counsel further submits that the petitioner is suffering from serious renal ailments and has an urgent need to be hospitalised in order to save his life. The application filed by the petitioner before the learned trial Court was turned down on the ground that the learned trial Court had no jurisdiction to deal with the same and recall the warrant of arrest issued by the Certificate Officer.

On prayer of the petitioner liberty is granted to approach the Certificate Officer by an appropriate application seeking recall of the warrant of arrest upon

reiteration of the submission made by him before the learned trial Court.

In the event the petitioner files such application within 10 days from date, the Certificate Officer is requested to deal with the application as expeditiously as possible, in accordance with law.

Keeping in view the physical condition of the petitioner as submitted by learned counsel, the warrant of arrest issued against the petitioner vide order dated 29th February, 2024 by the Certificate Officer in connection with the Certificate Case no. 15/Cert/How of 2022 be stayed till disposal of the application to be filed by the petitioner before the authority.

Since no fruitful purpose shall be served by keeping the present application pending, the revisional application being CRR 2828 of 2024 is disposed of.

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

(Suvra Ghosh, J.)