

22.5. 2024
item No.1
n.b.
ct. no. 25

CRR 3748 of 2018

**Vinayak Railtrack Pvt. Ltd.
Vs.
State of West Bengal.**

Mr. Ankit Agarwala,
Mr. Nilay Sengupta,,
... for the petitioner.
Mr. Satadru Lahiri,
Mr. Safdar Azam,
Ms. Shayana Singhal
.... For the respondent.
Mr. Pratick Bose,
.... For the State.

Today is fixed for report the superintendent of police Purulia in respect of warrant of warrant pending against the private opposite party no.2 since the year 2018 without any execution.

No report is placed.

The learned advocate appearing on behalf of the private opposite party no.2 submits that one special leave petition(criminal) no.3905 of 2024 is pending before the Hon'ble Apex Court of India wherein on March 22, 2024 a specific order was passed by the Hon'ble Apex Court. By virtue of said specific direction, the learned Chief Judicial Magistrate, Purulia vide as order dated 22.4.2024 has recalled the warrant of arrest issued against the present opposite party. Learned advocate for the respondent placed those orders.

Learned advocate for the petitioner submits that the conduct of the present opposite party no.2 is mischievous. They

only wanted to avoid the execution of warrant of arrest passed by the concerned CJM, Purulia. He further submits that the learned Magistrate cannot pass such order of recalling the warrant of arrest by virtue of order passed by the Hon'ble Supreme Court. He further argued that the conduct of the present petitioner is always questionable. They cannot be allowed to use the order of Hon'ble Supreme Court to recall the warrant of arrest before the learned CJM, Purulia.

Heard the learned Counsel perused the order passed by the Hon'ble Apex Court of India in Special Leave Petition(Criminal) no.13905 of 2024 dated 22.3.2024. The order of Hon'ble Apex Court is read as follows:

“Upon hearing the counsel the Court made the following

ORDER

Issue notice only for resolving the disputes between the parties.

In the meantime, the petitioners shall not be arrested subject to condition that he shall co-operate with the investigation.”

I have also perused the order of CJM, Purulia dated 22.4.2024 which reads as follows:

“Received copy of order dated 22.3.2024 passed by the Hon'ble Supreme Court of India in Special Leave Appeal(Criminal) No./3905/2024 arising out of final judgment and Order dated 8.2.2024 in CRR No.2859 of 2018 arising out of FIR No. 06 dated 21.1.2023 of Jhalda P. S. passed by the Hon'ble High Court, Calcutta(R.K. Sekhri and anr. Vs. State of West Bengal and another), wherein Hon'ble Supreme Court of India has been pleased to pass an order that “Issue notice only for resolving the dispute between the parties. In the

meantime the petitioner shall not be arrested subject to condition that he shall co-operate with the investigation.”

Perused the copy of order of Hon’ble Supreme Court of India.

Let the same be kept with the record in view of the direction of Hon’ble Supreme Court of India.

Let the W. A. issued against Ramesh Kumar Sekhri and Amit Raj Sekhri be recalled at once.

Let a copy of this copy of order be sent to the S.P. Purulia at once for

To date for further order.”

It appears to me that the instant criminal revision is preferred against the order dated November 15, 2018 passed by the learned ACJM, Purulia in special Court no.2/2015 arising out of G. R. Case No.87/2013 arising out of Jaldha P. S. Case No. 06 of 2013 dated 21.1.2013 under Sections 406/4-09/420. It appears that the warrant of arrest issued by the concerned judicial Magistrate was not executed by the authority for which the instant criminal revision has been preferred. It is pertinent to mention here that this Court has disposed of a quashing application being no. CRR 2859 of 2016, against which the special leave to appeal was preferred before the Hon’ble Apex Court. The order passed by the learned Magistrate on 22.4.2024 may warrant a separate cause of action. The cognizance of the said order cannot be considered in the instant revisional application.

However, as the entire matter regarding the coercive steps against the opposite party no.2 is under the active determination of

the Hon'ble Apex Court. So, I think it necessary not to proceed further with the instant criminal revision. Accordingly, the instant revision is disposed of on the basis of the above finding.

Any interim order passed by this Court during the pendency of the instant criminal revision is hereby also vacated.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Subhendu Samanta, J.)