

27.11.2025
Item No.3
Ct. No.1
Saikat
Mukherjee

MAT/584/2021
with
IA NO: CAN/1/2021
SUBIR KUMAR GHOSH
VS
STATE OF WEST BENGAL AND ORS.

Mr. Dip Jyoti Chakraborty, Adv.
Ms. Karunamoyee Samanta, Adv.
...For the Appellant/Petitioner

Mr. Swapan Kr. Dutta, Sr. Adv./G.P.
Ms. Sonal Sinha, A.G.P.
Mr. Rjarshi Basu, Adv.
Mr. Anirban Dutta, Adv.
Mr. Amritlal Chatterjee, Adv.
...For the Respondent State

Per, Sujoy Paul, ACJ.:-

1. Mr. Dipjyoti Chakraborty, learned counsel for the appellant/petitioner.
2. Mr. Swapan Kr. Dutta, learned G.P. for the Respondent State.
3. With the consent, heard.
4. This intra-court appeal takes exception to the order dated 16th June, 2021, passed in WPA No.6977 of 2020 whereby with certain observations the writ application was dismissed.
5. The principal grievance of the appellant/petitioner was regarding execution of warrant of arrest in respect of the Complaint Case Nos.AC-2330/2012 and AC-2348/2012. Learned Single Judge recorded the statement of government counsel that the persons against whom warrants have been issued have

surrendered before the court and have obtained bail. It is further recorded as under:-

“It is made clear that the Court of the learned Additional Chief Judicial Magistrate, Alipore shall take expeditious steps to execute the warrants already issued in respect of those who have not surrendered.”

6. The learned Single Judge also opined that the writ court is under no obligation to execute the order passed by learned trial court.
7. The matter before the learned Single Judge was having a criminal character because it was arising out of a criminal case and prayer sought for was also essentially of that nature. Considering this aspect in ***Ram Kishan Fauji vs State Of Haryana And Ors.*** reported in **2017 (5) SCC 533**, the Hon’ble Apex Court opined that intra-court appeal in such matters is not tenable. Even otherwise, in our opinion, in view of observation of learned trial court reproduced hereinabove, nothing remains to be adjudicated by this court.
8. For these cumulative reasons, admission of intra-court appeal is declined.
9. The appeal is, accordingly, **dismissed**.
10. No order as to costs.

(SUJOY PAUL, ACJ.)

(PARTHA SARATHI SEN, J.)