

18.09.2025
S.L No. 38
Ct. No. 30
SM

CRR 2846 of 2025
Shyam Sureka
VS.
The State of West Bengal & Anr.

Mr. Phiroze Edulji, sr. adv.
Mr. Ajit Kumar Mishra
Mr. Abhishek Dey
Mr. Suprovat Banerjee
.....for the petitioner

- 1.** The revisional application has been preferred praying for quashing and/or setting aside of orders dated 07.08.2024, 04.03.2025 and 22.05.2025 Passed by the Learned 8th Judicial Magistrate, Calcutta in Complaint Case No. 37825 of 2021.
- 2.** Vide the order dated 07.08.2024, the learned Magistrate has directed the petitioner herein to pay interim compensation under Section 143A of the NI Act.
- 3.** Vide the order dated 04.03.2025, the petitioner's privilege granted under Section 205 Cr.PC was waived as his learned counsel was not present.
- 4.** Vide the order dated 22.05.2025, a bailable warrant of arrest has been issued against the accused to ensure his presence.
- 5.** The petitioner in this case is aggrieved with the order dated 07.08.2024, wherein the Trial Court has directed the petitioner to pay interim compensation.
- 6.** This Court relies upon the judgment of this Court passed in CRR 557 of 2020 dated 15.06.2023 in

Sri Sandip Saha versus M/s. Mahindra & Mahindra Financial Service Limited & Anr.

7. Considering the view taken by this Court in the said judgment, this Court finds no reason to stay the order dated 07.08.2024, wherein the Court directed the petitioner to pay interim compensation, in view of the fact that the said order is prima facie in accordance with law, but considering the fact that a bailable warrant of arrest, has been issued against the petitioner, the petitioner is directed to deposit the interim compensation as directed by the order dated 07.08.2024 within 30 days from the date of this order.

8. Accordingly, the warrant of arrest issued vide order dated 22.05.2025 be stayed for a period of 30 days from the date of this order.

9. The order dated 04.03.2025 is hereby set aside, the same being not in accordance with law. Considering that the petitioner was not given an opportunity of hearing, prior to waiving the privilege granted under Section 205. As such the relief under Section 205 Cr.PC is restored to the petitioner.

10. Be it noted that in case the petitioner fails to comply with the order dated 07.08.2024 within 30 days as directed, the order of stay shall stand automatically vacated and the learned Magistrate shall be at liberty to proceed in accordance with law.

11. Be it noted that this Court has not entered into the merits of this case.

- 12.** CRR 2846 of 2025 stands disposed of.
- 13.** Trial Court to proceed in accordance with law.
- 14.** Photostat certified copy of this order, if applied for, be given to the parties on priority basis upon compliance of all formalities.

[Shampa Dutt (Paul), J.]