

09.12.2025

Sl. no. 92

Ct. No. 42

P.M.

CRR 5217 OF 2025
Mritunjoy Mandal @ Kebla
- Vs -
The State of West Bengal.

Mr. Niladri Sekhar Ghosh,
Mr. Deborshi Bramha,
Ms. Labani Sikdar,
Mr. Souvik Dey
... for the petitioner

1. Present petition has been filed for quashing of order dated 13th May, 2024 passed by the learned Additional Sessions Judge at Haldia whereby the warrant of arrest has been issued against the petitioner. The petitioner has directly rushed to this court even before invoking the jurisdiction of the court, which has issued the warrant. The law specifically provides that the court issuing the warrant has the authority to cancel the same. In this respect reference can be made to Section 72 BNSS, 2023 which reads as under.

“Section 72 - Form of Warrant of arrest and duration

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- i. *Every, warrant of arrest issued by a court under this Sanhita shall be in writing, signed by the Presiding officer of such court and shall bear the seal of the Court.*

ii. *Every such warrant shall remain in force until it is cancelled by the court which issued it, or until it is executed.*”

2. It is a settled proposition that that the jurisdiction provided under the law should be invoked in a manner, that that jurisdiction of the first court should be used firstly. The Constitution Courts have time and again deprecated the practice of usurping jurisdiction of subordinate courts.
3. Ld. Counsel for the petitioner has submitted that petitioner has a right to invoke the jurisdiction of this Court under Section 482 Cr.P.C./Section 528 BNSS.
4. The Court considers that this plea has no substance and is liable to be rejected. There is a difference between maintainable and entertainable. The present petition may be maintainable, but the question is whether it should be entertained or not. This court is of the firm view that if such petitions are entertained, it would amount to giving an opportunity to such petitioner(s) to by-pass the trial courts. The duty of the High Court is to ensure that the dignity of the trial courts is duly maintained. It is pertinent to mention that may be in an exceptional cases, the High Court may intervene in

such like cases i.e. harassment, vindictive approach etc. But such element does not exist here.

5. Learned counsel for the petitioner should have firstly approached the learned Trial Court for recall of the arrest warrant, which is specifically provided under the law.
6. Urgent photostat certified copy of this order, duly applied for, be given to the parties upon compliance of all usual requisite formalities.

(Dinesh Kumar Sharma, J.)