

27.04.2026

Sl. No.53.

D/L.

Mithun.

Ct.No.29.

CRR/1415/2026

Suryodoy Mandal

Vs.

State of West Bengal & Anr.

Mr. Anupam Kr. Bhattacharyya,
Mr. Mritunjay Saha

...for the petitioner

In this application the petitioner has challenged the impugned order dated 04.11.2025 by which the Court below had issued warrant of arrest against the petitioner.

Being aggrieved by the said proceeding, learned Counsel for the petitioner submits that on earlier occasion in terms of High Court's order dated 18.11.2025 passed in CRR 4562 of 2022, the Investigating Authority had sent notice under Section 35(3) of BNSS and the petitioner in compliance of the said notice appeared before the Investigating Authority on 14.12.2025, 15.12.2025 and 16.12.2025. The *de facto* complainant assailed the order passed by the High Court before the Hon'ble Supreme Court which got dismissed.

Thereafter merely on the basis of the prayer made by the Investigating Officer, the Trial Court had issued warrant of arrest against the petitioner without assigning any reason.

The petitioner herein has made an innocuous prayer of giving him liberty to surrender before the Court below.

Having considered the submission made on behalf of the petitioner, it appears that the prayer made by the petitioner is innocuous and if it is allowed in terms of the prayer made, the opposite party will have no cause to prejudice. Therefore, service of copy of application upon the opposite party is dispensed with.

Having heard learned Counsel for the petitioner, the instant application being CRR 1415 of 2026 is hereby disposed of by giving liberty to the petitioner to surrender before the Court below within a period of 2(two) weeks and in the event of such surrender, the Court below will dispose of his prayer in accordance with law without being influenced by any observation made herein.

The impugned order dated 04.11.2025 is hereby stayed for a period of 2 weeks or till the petitioner surrenders before the Court below whichever is earlier.

Parties to act on a server copy of this order duly collected from the official website of the Hon'ble High Court, Calcutta.

(Dr. Ajoy Kumar Mukherjee, J.)