08.10.2026
Serial nos. 102
[AN]
Ct. No. - 39

CRR/4357/2026

In re : An Application under Section 482 of the Code of Criminal Procedure, 1973

-And-

In the matter of : Kaushik Halder

... ... Petitioner.

Ms. Arushi Rathore

... for the petitioner

1. By filing this revisional application, the petitioner, being the accused, challenged the order dated 28th August, 2026, thereby issuing warrant of arrest against the petitioner in connection with ACGR Case No. 455 of 2023 under Sections 493 / 494 / 495 / 406 / 354 / 509 / 506 of the Indian Penal Code now pending before the learned Judicial Magistrate, 4th Court, Alipore, South 24 Parganas.
2. By the said impugned order, the learned Magistrate issued a warrant of arrest when the petitioner could not attend the court on 28th August, 2026, which was fixed for hearing and evidence.
3. Learned advocate appearing for the petitioner submits that due to a mistake of dates, he could not appear before the learned trial court only once. He attended continuously on each and every date. Even for the sake of argument, if it is assumed that the petitioner could not appear on one date, at least bailable warrant should have been issued prior to the

issuance of the warrant of arrest. Opportunity should be given to the petitioner to explain the situation before issuing the warrant of arrest. Learned advocate further places reliance on the judgment of the Hon'ble Supreme Court in the case of ***Inder Mohan Goswami & anr. vs. State of Uttaranchal & ors.,*** reported at ***(2007) 12 SCC 1***, particularly paragraph 51 in support of her contention. It is submitted that before issuing a non-bailable warrant of arrest, the Court should be careful because it involves interference with personal liberty.

4. Having heard the learned advocate appearing for the petitioner and considering the materials on record, this Court is satisfied that the learned trial court should have given one opportunity before issuing non-bailable warrant of arrest considering the previous conduct of the petitioner. The petitioner himself has also come earlier before this Court seeking expeditious disposal of the case by filing CRR no. 2414 of 2025. His intention was not to delay the proceedings somehow he could not attend on the date fixed. This court finds that the petitioner has a good case in his favour and thus, stay the order of warrant of arrest issued by the learned trial court on 28th August, 2026 against the petitioner in connection with ACGR Case No. 455 of 2023 under Sections 493 / 494 / 495 / 406 / 354 / 509 / 506 of the Indian Penal Code and one opportunity is given to the petitioner to appear on the next date fixed on 13th October, 2026 as submitted by

the learned advocate appearing for the petitioner and pray for recall of warrant of arrest. It is made clear that in default, the Trial Court shall take appropriate steps in accordance with law to ensure his attendance in Court.

5. With the above observations and directions, **CRR 4357 of 2026** stands **disposed of**. Consequently, connected applications, if any, also stand disposed of.
6. Interim order, if any, stands vacated.
7. Let a copy of this order be communicated to the learned trial court for necessary compliance.
8. All concerned parties shall act on the server copy of this order duly downloaded from the official website of this Court.
9. The concerned Department is directed to supply urgent certified Photostat copy of this order to the parties, if applied for, upon compliance of all necessary formalities.

(Ajay Kumar Gupta, J.)