

6.1.2026
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CRR 5440 of 2025

**Mohammad Raza @ Md. Raza
Vs.
The State of West Bengal**

Mr. Mritunjoy Chatterjee
Mr. Arka Roy
Ms. Suchismita Chakraborty ...for the Petitioner

The petitioner herein has assailed the order dated 3rd June, 2023 passed in G.R. case no. 2659 of 2020, presently pending before the learned Chief Judicial Magistrate, Howrah. By the impugned order, learned court below has issued warrant of arrest against four accused persons including the present petitioner who were absent on call and did not take any steps on that particular date of hearing.

Being aggrieved by the aforesaid order, learned counsel for the petitioner submits that the court below did not give any opportunity to the surety to produce the accused person/petitioner herein and straightway issue warrant of arrest against him. He further submits that since granting bail, he was all along present before the court below. However, due to personal difficulty, he could not take steps on that particular date. Accordingly, he prayed for granting leave to surrender before the court below.

Having heard learned counsel for the petitioner, it appears that the prayer made by the petitioner is innocuous and if it is allowed in terms of the prayer made in the

application, the opposite party will have no cause to prejudice and as such, the service of copy of the application upon the opposite party is dispensed with.

Having heard leaned counsel for the petitioner, the instant application being CRR 5440 of 2025 is hereby disposed of by giving liberty to the petitioner to surrender before the court below within a period of two weeks and in the event of such surrender by the petitioner, the court below will dispose of his prayer in accordance with law without being influenced by any observations made herein.

The impugned order dated 3rd June, 2023 by which, the warrant of arrest was issued against the petitioner is stayed for a period of two weeks or till the petitioner surrenders before the court below, whichever is earlier.

Urgent Photostat certified copy of this order, duly applied for, be given to the parties upon compliance of all requisite formalities.

(Dr. Ajoy Kumar Mukherjee, J.)