

In Re: **Hasiful @ Ariful & Anr.**

...petitioner

Mr. Sourav Mukherjee,
Mr. Gourav Roy.

.... For the petitioner.

The instant revisional application has been filed against an order dated November 14, 2025 passed by the learned Additional Sessions Judge, F.T.C. 1st, Malda arising out of Harishchandrapur Police Station Case No.233 of 2014 dated April 24, 2014.

It is submitted by the learned Advocate for the petitioner that warrant of arrest has been issued against the petitioner. The learned Advocate for the petitioner also submits that the petitioner is ready and willing to surrender before the learned Trial Court and seeks stay of the warrant of arrest issued against him.

Having heard the petitioner and also going through the materials in this application it transpires that by the impugned order fresh warrant of arrest was issued against the petitioner upon recall of earlier warrant of arrest issued against him in term of an order No12 dated June 20, 2025. The impugned order goes to show that the learned Magistrate took note of non-execution of the warrant of arrest against the petitioner and non-submission of any report by the police authorities. The case was started on April 24, 2014 and investigation of the case was ended in a charge-sheet dated October 31, 2014. Since the accused petitioner did not appear or obtain bail, a warrant of arrest was issued against him. The police did not execute such warrant of arrest or did not file any execution in

respect thereof.

In such circumstances, by the impugned order a fresh warrant of arrest was directed to be issued against the petitioner requiring the Inspector-in-Charge, Harishchandrapur Police Station to execute the warrant of arrest by a responsible police officer and submit a report within the next date. It is this order which has been challenged by the petitioner seeking stay on the warrant of arrest against him.

It appears that the petitioner did not submit before the jurisdiction of the learned Magistrate in spite of the charge-sheet filed against him. For such reason, a warrant of arrest was issued which was neither executed nor any execution report was submitted. By the impugned order a fresh warrant of arrest was issued against him. The petitioner expresses his willingness to surrender before the learned Court.

In facts and circumstances of the case, since the petitioner has not submitted to the jurisdiction of the learned Court which has taken cognizance of the offence, there appear no reason to stay the warrant of arrest issued against him. The learned Magistrate shall hear and dispose of any bail application filed on behalf of the petitioner, if so advised, in accordance with law without being prejudiced by any observation made in the present proceeding.

With such observation CRR 5474 of 2025 is dismissed.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(MD. SHABBAR RASHIDI, J.)

