

S U P R E M E C O U R T O F  
R E C O R D O F P R O C E E D I N G S  
I N D I A

Petition(s) for Special Leave to Appeal (Crl.) No.

5467/2014

(Arising out of impugned final judgment and order dated 26/06/2014  
in CRR No. 1596/2014 passed by the High Court Of Calcutta)

DR.PRAKASH KUMAR HAZRA

Petitioner(s)

VERSUS

STATE OF WEST BENGAL

Respondent(s)

(With appln. (s) for exemption from filing c/c of the impugned  
judgment and ex-parte stay)

Date : 08/08/2014 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DIPAK MISRA  
HON'BLE MR. JUSTICE V. GOPALA GOWDA

For Petitioner(s)

Mr. Utpal Majumdar, Adv.  
Mr. Sanjoy Bose, Adv.  
Ms. Ranjeeta Rohtagi, Adv.  
Mr. Manan Verma, Adv.

For Respondent(s)

Mr. Anip Sachthey, Adv.  
Ms. Shagun Matta, Adv.UPON hearing the counsel the Court made the following  
O R D E R

Heard Mr. Utpal Majumdar, learned counsel for the petitioner and Mr. Sachthey, learned Standing Counsel for the State of West Bengal. The grievance that has been highlighted by Mr. Majumdar is that the learned Magistrate, though has issued summons number of times and the accused has remained absent, yet he has not taken appropriate steps, as required in law, to ensure his presence in Court.

Signature Not Verified

Digitally signed by

Naveen Kumar  
Date: 2014.08.26  
Time: 08:17 IST

It is submitted by Mr. Majumdar, learned counsel that

Reason:

it was obligatory on the part of the learned Magistrate to issue bailable warrants of arrest, thereafter non-bailable warrants of arrest.

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Mr. Sachthey, learned Standing Counsel for the State has submitted that the Magistrate had allowed the application for exemption on three dates when the accused was absent. Be that as it may, we direct the Magistrate to take appropriate steps as per the law laid down in Inder Mohan Goswami & Anr. Vs. State of Uttaranchal & Ors1. and Vikas Vs. State of Rajasthan2.

With the aforesaid observations and directions, the special leave petition stands disposed of.

(NAVEEN KUMAR)  
COURT MASTER(RENUKA SADANA)  
COURT MASTER

Pursuant to request letter dt. 20.8.14, for correction,  
revised R/P is issued. Original Letter is enclosed.