

**CRR 1809 of 2020**

**Rajat Sinha Roy**  
**Vs.**  
**State of West Bengal**

**Mr. S. S. Imam**  
**Ms. Monika Kalra**  
**Mr. S. S. Hossain**  
**Mr. Satadru Lahiri**  
**Ms. Shaika Khan**  
**Ms. Shilpa Jati**  
**.....For the Petitioner**  
**Mr. Madhusudan Sur, Ld. A. P. P.**  
**Mr. Dipankar Paramanick**  
**.....For the State**

The report submitted by the Assistant Commissioner of Police, South Division, Kolkata be kept with the record.

Mr. Sur, learned advocate appearing for the State draws the attention of this court to the various G. D. Entries available wherefrom he points out that there were attempts for arresting the petitioner but as he was not available at the available address, the warrant of arrest so issued could not be executed. He further submits that the petitioner is thickly connected with the offence and is a beneficiary to the corruptions so involved in this case.

In view of the limited prayer so advanced by the petitioner, I am not inclined to go into the merits of the case, as it was an admitted fact that the prayer for anticipatory bail of the present petitioner has been rejected.

The main thrust of contentions of both the parties is with regard to the order dated 20.11.2020 wherein the learned

Additional District and Sessions Judge, 8<sup>th</sup> Court, Alipore issued simultaneously proclamation and attachment. Although it has been submitted by the learned advocate for the State that only proclamation was prayed for before the learned court.

I find force in the submission of Mr. Imam, learned advocate for the petitioner that there has been no subjective satisfaction by the learned Sessions Judge and issuance of proclamation and attachment at his instance is grossly illegal. As there has been non-compliance of Section 82 of Cr. P. C. and the order of proclamation and attachment has been passed in a mechanical manner without recording any subjective satisfaction, I am of the opinion that the learned Sessions Court could not be distinguish between an order of proclamation and an order of attachment.

In view of the aforesaid the order of proclamation and attachment is required to be set aside. The Investigating Officer is granted liberty to take out a fresh application and the learned court after being satisfied in terms of Section 82 of Cr. P. C. would proceed in accordance with law. Such application can be taken up by the Investigating Officer within a fortnight from date and the learned court would act accordingly.

Needless to state that this court is not interfering with the earlier order of issuance of warrant of arrest.

With the aforesaid observations, the order dated 20.11.2020, passed by the learned Sessions Judge, 8<sup>th</sup> Court, Alipore so far as it relates to issuance of proclamation and

attachment is concerned, is set aside.

Thus CRR 1809 of 2020 along with all connected applications is disposed of.

The Registrar General, High Court, Calcutta is directed to take all steps for making available certified copy of this order in course of day, if an application to that effect is filed by either of the parties after complying with all requisite formalities.

**(Tirthankar Ghosh, J.)**