

CRR 1353 of 2021

In re : An application under Sections 397/401 read with Section 482 of the Code of Criminal Procedure, 1973.

In the matter of : **Manik @ Mani @ Srikanta Sarkar**

..... petitioner

**Mr. Rajdeep Majumder
Mr. Mayukh Mukherjee
Mr. Souvik Mondal**

....For the petitioner

**Mr. Madhusudan Sur, Id. APP
Mr. Dipankar Paramanick**

.....For the State

The petitioner is aggrieved by an order dated May 3, 2021, passed in connection with G.R. Case No. 224/2018 under Sections 302/201 of the Indian Penal Code, 1860 whereby the learned Additional Chief Judicial Magistrate, Uluberia, passed an order for proclamation and attachment against the petitioner simultaneously.

The order impugned shows that the learned Magistrate issued proclamation and attachment order simultaneously without recording his satisfaction, as to the non-execution of the warrant, issued against the petitioner.

Simultaneous issuance of proclamation and attachment, in the present case, was not in terms of Sections 82 and 83 of the Code of Criminal Procedure, 1973. The proclamation and attachment cannot be issued simultaneously.

In that view of the matter, the order dated May 3, 2021, is set aside.

It is, however, made clear that the warrant issued against the petitioner shall remain operational and the learned Magistrate in the Court below will be at liberty to execute the same in accordance with law and if he is satisfied that the warrant could

not be executed for a reasonable cause, he may proceed further, in terms of Sections 82 and 83 of the Code of Criminal Procedure, 1973.

The application being **CRR 1353 of 2021** is disposed of.

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

(Kausik Chanda, J.)