

**CRR 1452 of 2021
(Through Video Conference)**

In Re: - A petition under Sections 397/401 read with Section 482
of the Code of Criminal Procedure, 1973
And

In the matter of: Manoj Kumar Singh

.... Petitioner

Mr. Ayan Bhattacharya,
Mr. Satadru Lahiri,
Mr. Vikash Singh,
Mr. Rahul Sharma

...For the Petitioner

Mr. Saswata Gopal Mukherjee,
Mr. Rudradipta Nandy

...For the State

The petitioner has challenged an order dated December 11, 2020, passed by the learned Additional Judicial Magistrate, Barrackpore, North 24 Parganas in connection with G.R. Case No. 1025/2020 under Sections 406/ 409/ 420/ 467/ 468/ 471/ 120B of the Indian Penal Code, 1860 and under Section 13 of the Prevention of Corruption Act, 1988.

A plain reading of the order reveals that the learned Judge without recording his satisfaction, as to the non-execution of the warrant of arrest, simultaneously issued the orders for proclamation and attachment.

Needless to mention that simultaneous issuance proclamation and attachment is bad in law particularly when there was no

satisfaction recorded by the learned Magistrate as to the non-execution of the warrant of arrest.

In that view of the matter, the order dated February 15, 2021, is set aside, insofar as it relates to the issuance of proclamation and attachment. If the learned Magistrate is satisfied that the warrant could not be executed for reasonable cause, he may record his satisfaction to that effect and, thereafter, proceed to take steps in terms of Section 82 and 83 of the Code of Criminal Procedure, 1973.

Accordingly, the revisional application being **CRR 1452 of 2021** is disposed of.

(Kausik Chanda, J.)