

13.08.2021

Ct No. 35

D/L 59

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C.R.R. 1489 of 2021
(Via Video Conference)

Re: An application under Sections 482 of the Code of Criminal Procedure, 1973.

In re : **Naima @ Naima Khatun,**

... Petitioner

Mr. Amarendra Chakraborty,

... for the petitioner

Ms. Sukanya Bhattacharyya,

Mr. Mirza Firoj Ahmed Begg,

... for the State

By an order dated July 24, 2018, the learned Sessions Judge, Malda, in connection with the Sessions Case No. 230 of 2018, issued a warrant of arrest against the petitioner, rejecting her application for adjournment of the case on the ground that she was a resident of Delhi.

It appears that, thereafter, on December 13, 2018, the learned Sessions Judge passed the following order :

“Issue W&PA against the accused, Naima Khatun”

Thereafter, again on January 21, 2019, the learned Sessions Judge fixed the hearing on March 28, 2019, for submission of execution report on the attachment under Section 83 of the Code of Criminal Procedure, 1973 against the petitioner.

It does not appear that the order for proclamation and attachment was issued after being satisfied with the report as to the execution of the warrant of arrest issued against the petitioner.

The learned advocate for the petitioner submits that since she is a resident of Delhi, she could not appear before the learned Sessions Judge, and she is ready and willing to surrender before the learned Sessions Judge on any date as may be specified by this Court.

The order of issuance of proclamation and attachment, on December 13, 2018 is hereby set aside since simultaneous issuance of the warrant, proclamation and attachment without considering the report as to the execution of warrant of arrest is bad in law.

The warrant of arrest issued against the petitioner shall remain stayed for a period of eight weeks from date. The petitioner shall surrender before the learned Sessions Judge, Malda, within the said period of eight weeks.

If the petitioner surrenders before the learned Sessions Judge within the stipulated time, as above, the learned Sessions Judge shall consider her prayer for bail on its own merit.

In the event, the petitioner fails to surrender before the learned Sessions Judge, the warrant of arrest issued against the

petitioner shall revive, and the learned Sessions Judge will be at liberty to execute the same in accordance with law.

The revisional application being **C.R.R. 1489 of 2021** is, thus, disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance with all the necessary formalities.

(Kausik Chanda, J.)