

22.02.  
2022

**CRR 468 of 2022**

In the matter of:- Ganesh Chowdhury

Mr. Debajyoti Deb  
Mr. Pabitra Biswas  
.....for the petitioner

Mr. Imran Ali  
Mr. Mirza Firoj Ahmed Begg  
.....for the State

This is an application challenging the warrant of arrest, proclamation and attachment issued against the petitioner.

Let a copy of this application be served upon Mr. Imran Ali and Mr. Mirza Firoj Ahmed Begg, learned counsels, who are present in Court today and who ordinarily appear on behalf of the State. Their engagement may be regularised in due course by the competent authority of the State.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is an accused in this case. He was granted bail by this Court by an order dated 18.8.2014 passed in CRM No. 8702 of 2014. Thereafter, he regularly attended the Court. However, he went to another State to work as a labourer. Accordingly, he was not able to take steps before the

learned trial court since 2015. On 21.03.2015 a warrant of arrest was issued against the petitioner, which remained unexecuted. On 10.03.2016, a prayer was made on behalf of the prosecution for issuance of warrant of arrest, proclamation and attachment as the warrant of arrest had remained unexecuted. These were issued on the same date. This is not permissible in law. Besides, the petitioner wants to join the proceeding at the earliest.

Learned counsel appearing on behalf of the State submits that the petitioner is absconding since 2015. This is not a fit case where the process issued against the petitioner could be stayed.

The petitioner was granted bail by this Court. However, after a point he did not appear before the learned trial court and warrant of arrest remained pending since 2015.

It appears that on 10.03.2016 necessary formalities were complied with for the issuance of warrant and proclamation. However, the order of attachment could not have been issued on the same date.

In view of the above, the order issuing attachment is set aside.

However, the warrant of arrest and the proclamation issued are retained.

As the petitioner has absconded since 2015, this would not be a fit case for staying the warrant of arrest

and the proclamation issued against him.

Accordingly, such prayer is dismissed.

However, it shall be opened to the petitioner to surrender before the learned trial court at the earliest and in the event he surrenders before the learned trial court and prays for bail, his application for bail shall be considered in accordance with law.

With these observations the revisional application is disposed of.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

**(Jay Sengupta, J.)**