

17-06-2022
Subha
Item no.58
Ct no.34

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

CRR 556 of 2022
with
CRAN 1 of 2022

In the matter of : **Subodh Mondal**petitioner.

In Re : An application under Section 397/401 read with Section 482
of the Code of Criminal Procedure.

Mr. Rajdeep Majumder
Ms. Radhika Agarwal

.....for the petitioner.

Mr. S. S. Imam
Mr. S. Kundu

.....for the State.

Re : CRAN 1 of 2022

Mr. Majumder, learned advocate appears on behalf of the
petitioner.

Mr. Kundu, learned advocate appears on behalf of the State.

The application under Section 5 of the Limitation Act, 1963
has been preferred by the petitioner. The grounds so assigned in the
application are found to be just and reasonable. As such the delay of
643 days so prayed for is condoned.

Accordingly, the application being CRAN 1 of 2022 is
allowed.

Re : CRR 556 of 2022

Mr. Majumder, learned advocate appearing on behalf of the
petitioner restricts his prayer in the revisional application in respect of
the proclamation and attachment so issued by the learned Additional

Chief Judicial Magistrate, Ranaghat, Nadia in connection with Taherpur P. S. Case No. 152 of 2019 dated 19.07.2019 under sections 341/302/34 of the Indian Penal Code.

In the order dated 18.02.2020, the learned Additional Chief Judicial Magistrate, Ranaghat, Nadia issued proclamation and attachment after the non-execution was submitted. However, there has been no speaking order expressing subjective satisfaction adhering to the provisions of Section 82 of the Code of Criminal Procedure. Further, the proclamation and attachment has been simultaneously issued by the learned Magistrate which are contrary to the statutory provisions.

Mr. Majumder, learned advocate for the petitioner intends to exhaust other remedies available under law. In view of the aforesaid, the proclamation and attachment so issued by the learned Magistrate on 18.02.2020 and subsequently reiterated by further orders are stayed till 11th July, 2022.

The petitioner shall not leave the jurisdiction of Taherpur Police Station without informing the Officer-in-Charge of the concerned Police Station and the Officer-in-Charge would be at liberty to check the availability of the petitioner.

The learned Additional Chief Judicial Magistrate, Ranaghat, Nadia would revive the proclamation and attachment so issued without further reports being received in case the petitioner is not available before the court on or before 11th July, 2022.

With the aforesaid observations, the revisional application being CRR 556 of 2022 is disposed of.

All pending applications, if any, in connection with the revisional application, are consequently disposed of.

All concerned parties are to act in terms of a copy of this order duly downloaded from the official website of this court.

[Tirthankar Ghosh, J]