

16.06. 2022
item No.6
n.b.
ct. no. 34

CRR 690 of 2022
Washim Akram
Vs.
The State of West Bengal & Anr.

Mr. Sourav Chatterjee,
Mr. Avinaba Patra,
Mr. Dipayan Kundu,
Ms. Sourja De,
.....for the Petitioner

Mr. Madhusudan Sur,
Mr. Dipankar Paramanick
.....for the State

Mr. Syed Shaid Imam,
Mr. Arindam Jana,
Mr. Soumajit Chatterjee,
.. for the opposite party no.2

Mr. Imam, learned advocate appears on behalf of the opposite party no.2 and files an affirmed affidavit enclosing the documents and photographs. Let the same be kept with the record.

Mr. Chatterjee, learned advocate submits that as no opportunity was granted to the petitioner to deal with such affidavit, the allegations, contentions and documents submitted therein may be deemed to be denied by the petitioner.

Mr. Sur, learned advocate files a report from the Officer in Charge of the DRBT Cell, CID, West Bengal. The report answers the grievance of the de facto complainant. It has been categorically stated that the police protection was granted to the Audit Team and there are nothing on record to show that any police protection was afforded to any individual in his personal capacity. Without going into details of the merits of the case, I find that the proclamation

and order of attachment which was issued by the Learned ACJM, Chanchal was in violation of the provisions of Section 82 of the Code of Criminal Procedure. However, documents have been placed by the State, which reflects the previous conduct of the petitioner in the society.

Mr. Chatterjee, learned advocate submits that an application for anticipatory bail has been preferred and there is every possibility of the same being declared infructuous because of the illegal order of proclamation of attachment so issued by the Learned ACJM, Chanchal.

In view of the aforesaid, I stay the order of proclamation and attachment issued by the Learned ACJM, Chanchal till July 6, 2022. The said order would revive on and from July 7, 2022 and the Learned ACJM would direct the Investigating Agency to take steps.

The Officer-in-Charge, Pukuria Police Station will check regarding the availability of the petitioner at the address furnished in the cause title of the revisional application. Such availability should be checked till July 6, 2022.

With the aforesaid observations, CRR 690 of 2022 is disposed of.

All pending connected applications, if any, are consequently disposed of.

Interim order, if any, is hereby vacated.

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

(Tirthankar Ghosh, J.)