

06-07-2022
Subha
Item no.05
Ct no.34

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

CRR 1959 of 2022

In the matter of : **Bapi Sarkar**petitioner.

In Re : An application under Section 482 of the Code of Criminal Procedure.

Mr. Abhra Mukherjee
Mr. Souradeep Dutta
.....for the petitioner.

Mr. Md. Anwar Hossain
Ms. Manisha Sharma
....for the State.

The revisional application has been listed pursuant to a direction passed by the Hon'ble the Chief Justice for the limited purpose of correction only.

In the present revisional application, on 15.06.2022 inadvertently the order passed in *CRR 1892 of 2022 (Arko Deep Saha @ Arkadeep Saha -vs- State of West Bengal & Anr.)* was printed and tagged. The same is clerical error within the meaning of Section 362 of the Code of Criminal Procedure. As such, the order is corrected and the same should read as follows:-

“Mr. Mukherjee, learned advocate for the petitioner challenges the order dated 13th April, 2022 wherein the proclamation and attachment order was issued simultaneously by the learned special court.

Learned advocate for the petitioner

challenges the issuance of such proclamation and attachment order simultaneously and submits that there was complete non-application of judicial mind by the learned special court.

In view of the submissions so advanced, learned advocate for the petitioner is directed to hand over a copy of the revisional application upon Mr. Anwar Hossain, learned advocate who ordinarily appears on behalf of the State. The appointment of Mr. Anwar Hossain may be regularized by the concerned authorities in due course.

Mr. Mukherjee, learned advocate for the petitioner undertakes that the petitioner will be preferring an application under Section 438 of the Code of Criminal Procedure.

Having regard to order dated 18.05.2022 which reflects that the execution of the proclamation and attachment has not yet been done and the next date has been fixed on 11th August, 2022, I am of the opinion that as the issue of liberty would weigh in favour of the petitioner he is to be afforded an opportunity to exercise his right/remedy provided under the law.

Accordingly, the proclamation and attachment order issued by the learned special court on 13th April, 2022 is stayed till 8th July, 2022.

With the aforesaid observations, the revisional application being CRR 1959 of 2022 is disposed of.

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

Interim order, if any, is hereby vacated.

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

The earlier order dated 15.06.2022 is, hereby, recalled.

Let this order be treated as part and parcel of the records of the instant case.

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]