

17.10. 2022

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AKG/Ali

ct. no. 35

CRR 3893 of 2022

In Re: - An application under Section 482 of the Code
of Criminal Procedure, 1973

And

In the matter of: Asit Das & Ors.

.... Petitioners

Mr. Satadru Lahiri,
Mr. Shirsho Dasgupta,
Mr. Syed Wasim Faruque

...for the Petitioners

Mr. Rudradipta Nandy,
Ms. Sonali Das

... For the State

Report submitted by the State be kept on record.

Petitioners are aggrieved by the issuance warrant of arrest, proclamation and attachment in connection with Haroa Police Station Case No. 207/2022 dated 22.06.2022, wherein charge-sheet was submitted under Sections 498A/306/34 of the Indian Penal Code, 1860.

Petitioners contend that the warrant of arrest, proclamation and attachment was issued during the investigation and as such, the petitioners could not exhaust their remedies, as the case was initially registered under Section 302 of the Indian Penal Code. The petitioners are brother-in-law and sister-in-laws.

Having regard to the facts that the petitioners could not exhaust their remedies and the report submitted by Mr. Nandy, learned advocate appearing for the State reflects that the charge-

sheet was submitted under Sections 498A/306/34 of the Indian Penal Code. I direct that the execution of warrant of arrest, proclamation and attachment which was issued by the learned Magistrate be stayed till 7th of November, 2022.

Petitioners would be at liberty to exhaust their remedies available under law.

The learned Magistrate in seisin of the case would be at liberty to revive the warrant of arrest, proclamation and attachment on 9th of November, 2022.

So far as the petitioner no. 1 is concerned, he would attend the investigating officer or the officer-in-charge of Haroa Police Station once in a week until further orders.

So far as the petitioner nos. 2 and 3 are concerned, they shall not leave the jurisdiction of Haroa Police Station without prior permission of the investigating officer/officer-in-charge or with the permission of the learned Additional Chief Judicial Magistrate, Basirhat.

With the aforesaid observations, the revisional application being CRR 3893 of 2022 is disposed of.

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

(Tirthankar Ghosh, J.)