

02.12.2022

Item No.50
Ct.No.34
dc.

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION**

C.R.R. 4100 of 2022

**Arati Gorai
versus
The State of West Bengal & Anr.**

In Re: An Application under Sections 397/401 read with Section 482 of the Code of Criminal Procedure, 1973.

Mr. Aritra Bhattacharya ... For the Petitioner.

Mr. S. G. Mukherjee, Ld. P.P.,
Mr. Arijit Ganguly,
Ms. Debjani Sahu ... For the State.

The petitioner is directed to hand over a copy of this revisional application to Mr. Arijit Ganguly, learned advocate, who ordinarily appears for the State. His appointment may be regularised by the concerned authorities.

The grievance of the petitioner is that the learned Additional Chief Judicial Magistrate, Raghunathpur by his order dated 23.08.2022 was pleased to issue proclamation and attachment simultaneously.

Learned advocate appearing for the petitioner contends that the warrant of arrest was issued on 12.08.2022 and thereafter on 23.08.2022, proclamation and attachment was issued simultaneously.

I have perused the order dated 23.08.2022. The same is in violation of Section 82 of the Code of Criminal Procedure in view of the fact that no subjective satisfaction of the learned Magistrate is available in the said order regarding the availability of the accused at the given address. Further an

order requiring an accused to be declared as a proclaimed offender do incorporate within the provision a statutory period which has also not been complied with and prior to that, order of attachment has been issued. Having regard to the same, the order dated 23.08.2022, so far as it relates to issuance of proclamation and attachment is concerned, is set aside. However, the warrant of arrest would remain in force.

The police officer concerned would submit a report before the learned Additional Chief Judicial Magistrate, Raghunathpur.

The learned Magistrate will record his subjective satisfaction for proceeding to the next step of the process of law.

With the aforesaid observations, the revisional application being CRR 4100 of 2022 is disposed of.

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

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

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Tirthankar Ghosh, J.)