

D/L70
10.02.2023
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C.R.R. 229 of 2023

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

Noor Mohammad @ Md. Rakib
Versus
The State of West Bengal and another

Mr. Apalak Basu,
Mr. Nazir Ahmed,
Mr. Swastik Sammaddar.
...for the petitioner.

Mr. Arijit Ganguly,
Mr. Sanjib Kumar Dan.
...for the State.

Report submitted by Mr. Arijit Ganguly, learned advocate appearing for the State be kept with the record.

Report reflects that the no attachment order was passed by the learned trial court and, as such, the issue of attachment does not arise. However, the proclamation was initially issued without adhering to the provisions of Section 82 of the Code of Criminal Procedure as no subjective satisfaction was recorded and/or statutory period of 30 days was granted prior to declaring the present petitioner as a proclaimed offender.

Be that as it may, since then more than 1½ years have passed. Having considered the same and the fact that the other accused have been released on bail, an opportunity must be granted to the petitioner so that the petitioner can apply for his remedy under Section 438 of the Code of Criminal Procedure.

Considering the prayers so advanced and the present stage of the case, I direct that the warrant of arrest so issued will

remain operative but the order of proclamation so issued be stayed till 10th March, 2023. The petitioner would be at liberty to exhaust his remedy within the aforesaid fixed period of time.

With the aforesaid observations, CRR 229 of 2023 is disposed of.

Pending application, if any, is 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 of all requisite formalities.

(Tirthankar Ghosh, J.)