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10.07.2023
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C.R.R.393 of 2023

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

Md. Tarique Hasan @ Tarique Hasan
Versus
The State of West Bengal

Mr. Syed Wasim Faruque.
...for the petitioner.

None appears for the State.

Records reflect that Ms. Anasuya Sinha, learned advocate, was engaged on behalf of the State to appear. No report has been placed before this Court. On 14.12.2022 warrant proclamation attachment was issued against the present accused.

Learned advocate submits that proclamation and attachment was issued simultaneously in the present case. On 9th December, 2022 there was a direction for production of the case diary on 16th December, 2022 and on 14th December, 2022, the proclamation and attachment was issued. According to the learned advocate, the order of issuance of proclamation and attachment has frustrated the proceedings of the petitioner under Section 438 of the Code of Criminal Procedure and the learned court ought to have appreciated that when the application is pending, the declaration of being a proclaimed offender would be against the spirit of the purpose for which the same has been incorporated under the law.

Accordingly, the order issuing attachment is set aside. The order of proclamation is kept in abeyance for a period of four

weeks, that is, till 10th August, 2023. Learned trial court would revive the order relating to issuance of proclamation by adhering to the provisions of Section 82 of the Code of Criminal Procedure, after 10th August, 2023.

With the aforesaid observations, CRR 393 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.)