

19.09.2023
Item no. 15
Ct.34
(Suvendu)

C.R.R. 706 of 2023

In the matter of :- Rustum @ Etwaru

... Petitioner

Mr. Arnab Chatterjee,
Mr. Nimai Roy

...for the petitioner

Mr. Saswata Gopal Mukherjee, Ld. PP,
Mr. P. Bhattacharya
Mr. M.F.A.Begg

.....for the State

The present revisional application has been preferred against the order dated 30th November, 2022 passed by the learned Additional Sessions Judge, 1st Court (Judge Special Court under the NDPS Act) at Raiganj, Uttar Dinajpur in connection with NDPS Case No. 19 of 2019.

Learned advocate appearing for the petitioner submits that the Proclamation and Attachment orders were issued without following the provisions of Section 82 of the Cr.P.C.

However, I find that the learned Sessions Court passed such order on 30th November, 2022 after a considerable period of time. The petitioner is involved under the provisions of the NDPS Act.

Having regard to the factum that the petitioner was not arrested or could not be arrested by the investigating agency and

his name surfaced under the provisions of the NDPS Act, I am not inclined to interfere so far as the warrant of arrest is concerned.

However, the execution of the Proclamation and Attachment which was passed on 30th November, 2022 by the learned Sessions Court being the learned Special Court under the NDPS Act in connection with Goalpokher Police Station Case No. 353 of 2019 dated 17th September, 2019 be stayed till 19th October, 2023.

It is made clear that the learned Sessions Court would revive the said order on and from 23.10.2023.

The aforesaid order will not deter the investigating agency or the police to execute the warrant of arrest, which is pending in respect of the instant case.

With the above observations, CRR 706 of 2023 is disposed of.

Pending connected application, if any, is also disposed of.

All parties to act on the server copy of this order downloaded from the official website of this Hon'ble Court.

(Tirthankar Ghosh, J.)

