

Item No.26  
Ct.No.34  
dc.

**C.R.R. 867 of 2021**

**Akhoy Singh @ Donga  
versus  
The State of West Bengal**

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

Mr. Prasun Kumar Datta,  
Ms. Zareen Khan,  
Ms. Sreeparna Das ... For the State.

This revisional application was preferred challenging the order dated 22.01.2021 passed by learned Additional Chief Judicial Magistrate, Uluberia in connection with Bauria Police Station Case No. 129 of 2019 dated 03.08.2019 under Sections 399/402 of the Indian Penal Code.

The grievance of the petitioner related to the warrant of arrest, proclamation and attachment being issued parallelly. A coordinate Bench of this Court while considering this revisional application at the stage of admission categorically observed that in the order dated 22.01.2021 it was recorded by the learned Magistrate regarding non-execution return of the warrant of arrest and thereafter proclamation and attachment was issued. The attachment order was stayed for a limited period of time on and from 25.03.2021, but the proclamation order was not interfered with.

Having regard to the time period which has elapsed in the meantime and the fact that the purpose of issuance of such harsh process is for compelling the accused person to

appear before the jurisdictional court, I am of the opinion that by this time, the statutory requirement for proclamation is over. Consequently if the accused till date has not appeared before the jurisdictional court, the learned court would be at liberty to issue attachment order.

Mr. Datta, learned advocate appearing for the State submits that the order under challenge requires no interference.

In view of the observations made above, I am of the opinion that the learned Magistrate would follow the process as directed above.

Accordingly, the revisional application being CRR 867 of 2021 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.)**