

15-06-2023
Subha
Item no.95
Ct no.34

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

CRR 1581 of 2023

Erfana Bibi @ Irfana Bibi
-versus-
State of West Bengal

Mr. Santanu Talukdar
Mr. Priyankar Ganguly
.....for the petitioner.

Mr. S. G. Mukherji, Id. PP,
Mr. Sanjib Kumar Dan
.....for the State.

Petitioner is directed to serve a copy of the revisional application upon Mr. Sanjib Kumar Dan, learned advocate, who ordinarily appears on behalf of the State. His appointment may be regularized by the concerned Authorities in due course.

Learned advocate for the petitioner is aggrieved by the fact that the proclamation and attachment order was issued simultaneously on 25th January, 2023 by the learned Additional Chief Judicial Magistrate, Jangipur.

Having regard to the provisions of Sections 82 and 83 of the Code of Criminal Procedure, I am of the opinion that the proclamation and attachment order requires subjective satisfaction and statutory requirements prior to the same being issued.

Having regard to the impugned order, I direct that the execution of the proclamation and attachment which was issued on 25th January, 2023 be stayed till 28th July, 2023.

However, no interference is made regarding authorities of the police to execute the warrant of arrest. Petitioner would be at liberty to exhaust his remedy, if any, under the law in the meantime. On 29th July, 2023, the police authorities would be at liberty to renew and revive the prayer for proclamation against the petitioner before the learned Additional Chief Judicial Magistrate, Jangipur.

With the aforesaid observations, the present revisional application being CRR 1581 of 2023 is disposed of.

Pending any other applications are disposed of.

All concerned parties are to act in terms of a copy of this order duly downloaded from the official website of this court.

[Tirthankar Ghosh, J]