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07.06.2023
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C.R.R. No.1586 of 2023

In Re: An application under Article 227 of the Constitution of India read
Section 482 of the Code of Criminal Procedure, 1973;

Guddi @ Shanaz Bibi @ Shahnaz Bibi
Versus
The State of West Bengal and another

Mr. Aniruddhya Bhattacharyya,
Mr. Uttam Mukherjee.
...for the petitioner.

Mr. Saswata Gopal Mukherjee, Ld.P.P.,
Md. Anwar Hossain,
Ms. Benajir Hasna.
...for the State.

Mr. Bhattacharyya, learned advocate appearing for the petitioner is aggrieved by the issuance of warrant proclamation attachment on 16.01.2023 without any subjective satisfaction being recorded by the learned ACJM, Sealdah. Learned advocate submits that on the charge-sheet being submitted warrant of arrest was issued and without any report of execution return, warrant proclamation attachment was issued against the petitioner who happens to be a lady. Learned advocate has expressed his anxiety that he would be unable to exhaust the other remedies available under the law because of the proclamation attachment being issued in such a manner.

Petitioner is directed to serve a copy of the revisional application upon Mr. Anwar Hossain, learned advocate, who ordinarily appears on behalf of the State. His appointment may be regularised by the concerned authorities.

I have perused the order dated 16.01.2023 and I find

that so far as the present petitioner is concerned, the proclamation attachment which was issued simultaneously was in deviation of the regular provisions of law. The issuance of proclamation attachment is stayed till 7th July, 2023. However, no interference is made regarding the warrant of arrest which has been issued by the learned ACJM, Sealdah. Petitioner would be at liberty to exhaust her remedies within the aforesaid time period.

With the aforesaid observations, CRR 1586 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.)