

23-06-2023
Subha
Item no. 25
Ct no.34

*IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction*

CRR 2254 of 2023

Sumitra Ghosh & Anr.

-versus-

The State of West Bengal & Anr.

Mr. Partha Sarathi Das
Mr. Md. Hafiz Ali
Ms. Shanta Sarkar
....for the petitioners.

Mr. Pravash Bhattacharya
Mr. M. F. A Begg
...for the State.

Learned advocate for the petitioners is directed to serve a copy of the revisional application upon Mr. Pravash Bhattacharyya, 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 submits that he was unaware regarding the proceedings and as such harsher process of law has been issued by the learned Additional Chief Judicial Magistrate, Kandi, Murshidabad.

I find from the impugned order that a report was submitted by the concerned officer and a prayer was advanced for issuance of proclamation and attachment. Learned court without adhering to the provisions of Sections 82/83 of the Code of Criminal Procedure issued proclamation and attachment against both the petitioners.

Learned advocate submits that the petitioners are unable to

avail regular remedies in view of the proclamation and attachment so issued without recording any subjective satisfaction.

Mr. Bhattacharya, learned advocate for the State opposes the contentions advanced on behalf of the petitioners.

The case which has been registered is under Sections 498A/302/120B/34 IPC. However, having regard to the manner in which the proclamation and attachment has been issued the execution of the proclamation and attachment is stayed till 21st July, 2023. However, the warrant of arrest which was earlier issued would remain force and there is no bar for executing such warrant of arrest.

Petitioners would be at liberty to exhaust their remedies in the meantime. In case the petitioners are not available before the court on or before 21st July, 2023, the learned Magistrate on the next date would revive the order of proclamation and thereafter attachment in accordance with law. .

With the aforesaid observations, the present revisional application being CRR 2254 of 2023 is disposed of.

Pending applications, if any, are consequently 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]

