

07-07-2023
Subha
Item no. 08
Ct no.34

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

CRR 2272 of 2023

Sk. Mehetab @ Sekh Mehetab Ali
-versus-
The State of West Bengal

Mr. Satadru Lahiri
Mrs. Gitashree Mistry
....for the petitioner.

Mr. Arijit Ganguly
Mr. Koushik Kundu
...for the State.

The order dated 6.5.2023 passed by the learned Chief Judicial Magistrate, Purba Medinipore reflects that the learned court issued proclamation against the accused *Sk. Mehetab @ Sekh Mehetab Ali* under Section 82 of the Code of Criminal Procedure. Such order was passed on 6th May, 2023 and the report regarding proclamation was called for on 20th May, 2023.

Mr, Lahiri, learned advocate for the petitioner submits that the petitioner is seriously prejudiced in view of the fact that his application under Section 438 of the Code of Criminal Procedure is pending before the Hon'ble Supreme Court.

On the other hand, Mr. Arijit Ganguly, learned advocate appearing for the State opposes such contentions and submitted that the police authorities exercised due diligence and in spite of the same they have been unable to place the accused who are under the garb of pendency of the proceedings are not available at proper addresses.

Sub-section(1) of Section 82 of the Code of Criminal Procedure clearly specifies the time limit to be not less than 30 days from the date of publication of such proclamation. In this case, only two weeks' time were granted.

Having considered the same, I am of the view that the learned Magistrate should have given at least thirty days time to the Investigating Agency or the Police Authorities for complying with under Section 82 of the Code of Criminal Procedure.

Hence, the part of the order dated 6.5.2023 wherein the learned C.J.M, Purba Medinipore directed "*the warrant executing officer of Nandakumar PS is directed to proceed as per Section 82 of Cr.P.C against Sk. Mehatab @ Sk. Mehetab Ali.*

Issue proclamation against Sk. Mehatab @ Sk. Mehetab Ali at once.

To 20.05.2023 for production and report regarding proclamation." is hereby set aside.

The learned C. J. M, Purba Medinipore would freshly consider the issue and proceed in accordance with law.

With the aforesaid observations, the present revisional application being CRR 2272 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.

Urgent Photostat certified copy of this order, if applied for, be given to the parties on completion of usual formalities.

[Tirthankar Ghosh, J]

