

01-08-2023
subha
Item no. 74
Ct no.34

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction
CRR 2764 of 2023

Sufia Bibi @ Dolly @ Sufia Ali.
-versus-
The State of West Bengal

Mr. Sourav Chatterjee
Mr. Avik Ghatak
Mr. Abhinav Rakshit
Mr. B. Chakraborty
....for the petitioner.

Mr. Tanmoy Ghosh
Mr. M. F.A Begg
...for the State.

The revisional application was preferred challenging the orders dated 01.08.2022, 23.09.2022 and 02.06.2023 passed by the Learned Judge, Bench(II) Judge, City Sessions Court, Calcutta in connection with G. R.(S) Case No. 426 of 2022 arising out of New Market P. S/DD Case No. 84 of 2022 dated 19.04.2022.

Petitioner is aggrieved with regard to the issuance of proclamation and attachment by the learned court. The main thrust of contention of the petitioner is that the warrant was executed On a wrong address so also was the proclamation. There was no subjective satisfaction by the court while issuing the order of proclamation. However, the attachment was effected in a correct address.

Petitioner is directed to serve a copy of the revisional application upon Mr. Tanmoy Ghosh, learned advocate who ordinarily appears on behalf of the State. His appointment may be

regularized by the concerned Authorities in due course.

In view of the nature of the offence and the orders dated 01.08.2022, 23.09.2022 and 02.06.2023 passed by the Learned Judge, Bench(II) Judge, City Sessions Court, Calcutta, I am not inclined to invoke the jurisdiction under Section 482 of the Code of Criminal Procedure. However, the petitioner has prayed her innocence both in the merits of the matter as well as for being victimized by the manner in which the processes for compelling of appearance of the accused persons have been invoked by the jurisdictional court.

In case the petitioner applies for exhausting remedies under Section 438 of the Code of Criminal Procedure, the said court will consider the same particularly with regard to the proclamation and attachment whether the same was rightly issued by the jurisdictional court.

No interference is made by this court so far as the orders which have been passed.

With the aforesaid observations, the present revisional application being CRR 2764 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]

