

01.09.2023

Item No.38
Ct.No.34
dc.

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION**

C.R.R. 3287 of 2023

In the matter of : **Partha Sarathi Dey @ Sanu** ... Petitioner.

Mr. Kallol Mondal,
Mr. Krishan Ray,
Mr. Souvik Das,
Mr. Anamitra Banerjee ... For the Petitioner.

Mr. Madhusudan Sur,
Mr. Manoranjan Mahata ... For the State.

Learned advocate appearing for the petitioner is directed to serve a copy of this revisional application upon Mr. Madhusudan Sur, learned advocate, who ordinarily appears for the State. His appointment may be regularised by the concerned authorities.

Mr. Mondal, learned advocate appearing for the petitioner has drawn the attention of the Court to the order dated 26.07.2023 wherein the learned Chief Judicial Magistrate, Howrah on an application on behalf of the police authorities without complying with the provisions of Section 82 of the Code of Criminal Procedure issued proclamation and attachment simultaneously.

Having considered the manner in which the proclamation and attachment was issued, I am of the opinion that the same is against the statutory provisions. The learned Magistrate at the first instance of issuing proclamation must at least afford a month's time before declaring a person as proclaimed offender. Thereafter the learned court would proceed for attachment.

In view of the aforesaid, the order relating to proclamation and attachment is quashed. The warrant of arrest so issued would survive. The learned court henceforth will proceed in accordance with law.

The petitioner would be at liberty to take steps before appropriate court of law.

With the aforesaid observations, the revisional application being CRR 3287 of 2023 is disposed of.

Pending connected application, if any, is consequently disposed of.

All concerned 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 with all requisite formalities.

(Tirthankar Ghosh, J.)