

20.09.2023
Serial no. 30
[G.S.D]

CRR 3305 of 2023

In the matter of : Nashir Akhtar & Ors.

... .. Petitioners

Mr. Soubhik Mitter

... For the petitioners

Mr. Tanmoy Kr. Ghosh
Ms. Sujata Das

... for the State

The report submitted by Mr. Ghosh, Id. Advocate for the State, be kept with the record.

The record reflects that only once, i.e. on 29.5.2023, the investigating agency attempted to execute the warrant of arrest and, thereafter, submitted report before the jurisdictional Court.

Initially, the Id. Trial court rejected the same and, subsequently, the prayer for proclamation was allowed.

Having regard to the manner in which the provision of section 82 of the Cr.p.c. has been invoked, I find serious doubt regarding the steps, so adopted by the police authorities.

However, having regard to the fact that the offence complained of is under section 302 of the cr.p.c., I am not inclined to set aside the order of proclamation, the order of proclamation be kept in abeyance till 31st of October, 2023.

The petitioners would at liberty to exhaust their remedies, if any, before other forum. On 1st of November, 2023, the Id. Trial Court, *in seisin*, of the matter, would revive the issue regarding proclamation by adhering to the provisions of Section 82 of the cr.p.c. No further prayer would be advanced by the investigating officer of the case.

However, the warrant of arrest so issued by the Id. Magistrate would be in existence and will not be an impediment for its execution in the meantime.

With the aforesaid observations, CRR 3305 of 2023 is disposed of.

Pending application, if any, is also disposed of.

Parties to act on a server copy of this order duly collected from the official website of the Hon'ble High Court at Calcutta.

(Tirthankar Ghosh, J.)