

08.09.2023
Serial no. 46
[G.S.D]

CRR 3353 of 2023

In the matter of : Md. Kadir Alam & Ors.

... .. Petitioners

Mr. Niladri Sekhar Ghosh
Mr. Nirupam Dhali
Mr. S. Mondal

... For the Petitioners

The petitioners have challenged the order dated 18.8.2023 passed by the Learned ACJM, Islampur, Uttar Dinajpur in connection with Goalpokher P.S. Case No. 241/2023 dated 09.05.2023.

The investigation of the case is in progress and warrant of arrest was issued. However, a prayer was advanced before the Learned Magistrate for proclamation.

Accordingly, considering the prayer of the investigating officer, the Learned Magistrate by its order dated 18.8.2023 observed that proclamation to be issued fixing 19.9.2023 as the next date.

I find that there has been no subjective satisfaction recorded in respect of the non-execution of the warrant of arrest, which has been earlier issued.

Having considered that the liberty of the present petitioners are also involved, I am of the view that the

proclamation, so issued, be kept in abeyance till 13th of October, 2023.

However, the petitioners would be at liberty to exhaust their remedies, if available in law.

The warrant of arrest, which was issued, would remain in force till 16th of October, 2023.

An exhaustive report be submitted before the Ld. ACJM, Islampur. The Ld. ACJM, Islampur would consider such report regarding the whereabouts of the petitioners, if, in the meantime, the petitioners have not been able to obtain any remedy. After recording the subjective satisfaction, the Ld. ACJM, Islampur, would, then proceed in accordance with law.

With the above observations, CRR 3353 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.

Urgent Photostat certified copy of this order, if applied for be supplied to the parties, subject to compliance with all requisite formalities.

(Tirthankar Ghosh, J.)

