

D/L33
20.09.2023
Bpg.

C.R.R.3367 of 2023

In Re: An application under Section 482 of the Code of Criminal Procedure, 1973;

Rudra Singh @ Tega
Versus
The State of West Bengal

Mr. Satadru Lahiri
Mr. Safdar Azam
Mr. Syed Wasim Faruque
Mr. Jyotirmoy Talukdar.
...for the petitioner.

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

Report submitted by Mr. Arijit Ganguly, learned advocate appearing for the State reflects that the steps taken in respect of the warrant of arrest, proclamation and attachment has been complied with and the attachment was done on or about 16th April, 2023. Let the report be kept with the record.

Mr. Lahiri, learned advocate appearing for the petitioner submits that there was an attempt by the police authorities to implicate the petitioner in connection with the instant case. To that effect, Mr. Lahiri submits that there was a commission of offence in respect of a temple namely, Karunamoyee Temple and the police authorities tried to implicate the present petitioner in the said case. Having failed to do they initiated the present case for falsely implicating the petitioner. According to the learned advocate, the police authorities within a short span of time and on the date of

submission of charge-sheet prayed for proclamation and attachment, without complying with the mandatory provisions of 30 days the attachment order was issued and the petitioner was declared as a proclaimed offender. Learned advocate emphasizes on the factum of the proclamation being issued against the statutory principles and the police authorities did not adhere to any of the settled proposition of law. Learned advocate also submits that the petitioner was unaware regarding the incident in view of the fact that no notice under Section 41A of the Code of Criminal Procedure not being issued in the instant case.

I have considered the report submitted by the State as also the arguments advanced by the petitioner.

Records reflect that the attachment order was implemented on 16th April, 2022. The present revisional application was affirmed on 30th August, 2023.

Having considered the petitioner's conduct in the instant case either the police authorities are correct or the petitioner had the ability to sustain even after the warrant, proclamation and attachment was executed. Taking into account the whole circumstances as it reflected, I am of the view that mere irregularity at this stage after more than one year of the processes being exhausted and complied with by the investigating authorities/police authorities do not call for any interference by this Court.

Accordingly, CRR 3367 of 2023 is dismissed.

Pending application, if any, is consequently disposed of.

All 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 of all requisite formalities.

(Tirthankar Ghosh, J.)