

10.10.2023
Item No.15
Ct.No.34
dc.

IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION

C.R.R. 3597 of 2023

In the matter of : **Sanu Bhattacharjee** ... Petitioner.

Mr. Kusal Kumar Mukherjee,
Mr. Diptangshu Basu ... For the Petitioner.

Mr. Pravas Bhattacharya,
Mr. M. F. A. Begg ... For the State.

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

Mr. Mukherjee, learned advocate appearing for the petitioner submits that on 22.06.2023 without recording any subjective satisfaction, proclamation was issued by the learned Chief Judicial Magistrate, Howrah. Again in the same order dated 22.06.2023 the statutory period of one month was not granted and the learned court fixed 12.07.2023 as the date for execution relating to proclamation.

Having regard to the manner in which proclamation has been issued prior to submission of the charge-sheet, I am of the view that the order issuing proclamation be kept in abeyance till 20.11.2023 as the present case involves offence under Section 302 of the Indian Penal Code. However, the warrant of arrest which has been issued would be in existence and there is no bar to the police authorities for executing the same.

The petitioner would be at liberty to exhaust his remedies before other forum.

Learned Chief Judicial Magistrate, Howrah would on or after 22.11.2023 revive the issue of proclamation by adhering to the provision of Section 82 of the Code of Criminal Procedure.

With the aforesaid observations, the revisional application being CRR 3597 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.)