

08-12-2023
Subha
Item no. 07
Ct no.34

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

CRR 4151 of 2023
with
CRAN 01 of 2023

Kalu Sk. @ Sariful Islam @ Md. Sariful Islam
-versus-
State of West Bengal

Mr. Avinaba Patra

...for the petitioner.

Mr. Ranabir Roy Chowdhury

Mr. Sandip Chakraborty

...for the State.

Affidavit of service so filed be kept with the record.

Mr. Patra, learned advocate appearing for the petitioner has prayed for condoning the delay of 206 days in preferring the revisional application. In view of the question of liberty so involved, I am of the view that in spite of the objection raised by the State, an opportunity must be given to the petitioner to exhaust his remedies before the court having jurisdiction. Accordingly, the application being CRAN 1 of 2023 is allowed.

Mr. Patra, learned advocate appearing on behalf of the petitioner has prayed for interfering with the proclamation and attachment which has been issued against the present petitioner in connection with Kaliachak Police Station Case No. 1051 of 2021 dated 29-09-2021 under Section 22(C)27(A)/29 of the N. D. P. S Act.

Mr. Roy Chowdhury, learned advocate appearing for the State opposes such contention for interference and submits that there has been a long delay and the police authorities have exhausted the remedies as directed by the learned special court.

Be that as it may, the case was registered in the year 2021. Having regard to the proximity of time, I direct that the warrant of arrest so issued by the learned special court will remain in force and the police authorities would be at liberty to execute the same.

However, so far as the subsequent orders relating to proclamation and attachment are concerned, the same is kept in abeyance/stayed till 22nd December, 2023. Petitioner would be at liberty to exhaust his remedies under the law within the said period. In case, the petitioner do not appear before the learned special court under the NDPS Act being the learned District and Sessions Judge, 3rd court, Malda on or before 23rd December, 2023, the learned trial court would be at liberty to revive the earlier order which was in existence in respect of the proclamation and attachment so issued.

With the aforesaid observations, the revisional application being CRR 4151 of 2023 is disposed of.

All concerned parties are to act in terms of a copy of this order duly downloaded from the official website of this court.

[Tirthankar Ghosh, J.]

