

09.02.2023
S/L No.90
KS

C.R.R. 4211 of 2022
Jinna Ali @ Mistar Jinha
-Vs.-
The State of West Bengal

Mr. I. Hoque

..... For the Petitioner

Mr. A. Ganguly

Mr. Sanjib Kumar Dan

.....For the State

Petitioner is directed to serve a copy of the revisional application upon Mr. Arijit Ganguly, learned advocate who ordinarily appears on behalf of the State and is directed to represent the case for the State. His appointment may be regularized by the concerned authorities. He is entitled to engage a junior of his choice.

Petitioner is aggrieved by the simultaneous issuance of proclamation and attachment by the learned A.C.J.M., Chanchal, Malda in connection with Chanchal Police Station Case No.550/2022 dated 28.05.2022. The order dated 27.09.2022 reflects that a prayer was advanced by the Investigating Officer for proclamation and attachment and without any subjective satisfaction being recorded such prayer was allowed.

Having considered the manner in which the proclamation and attachment was issued simultaneously, I am of the opinion that the same is in ignorance of the provisions of law. The statutory period for declaring a person to be a proclaimed offender should have been

granted and the procedure should have been adhered by the Investigating Authority/police authorities. That the same not being done, I direct that the learned A.C.J.M., Chanchal, Malda would freshly consider the issue relating to proclamation in accordance with the provisions of law. After the whole process of proclamation is exhausted then only the Court will consider regarding the issuance of attachment.

In view of the observations made above, the order dated 27.09.2022 is set aside. However, the warrant of arrest so issued will be in operation.

Accordingly, C.R.R. 4211 of 2022 is allowed.

Pending applications, if any, are consequently disposed of.

All parties are directed to act on the server copy of this order downloaded from the official website of this Hon'ble Court.

(Tirthankar Ghosh, J.)