

09.02.2023
S/L No.93
KS

C.R.R. 4493 of 2022
With
IA No. CRAN 1 of 2022
Sumanta Biswas
-Vs.-
State of West Bengal & Anr.

Mr. Shibaji Kumar Das
Ms. Rupsa Sreemani
Ms. R. Sarkar

..... For the Petitioner

Md. Anwar Hossain
Mrs. Debjani Sahu

.....For the State

Petitioner is directed to serve a copy of the revisional application upon Md. Anwar Hossain, learned advocate who ordinarily appears on behalf of the State. His appointment may be regularized by the concerned authorities and is directed to represent the case on behalf of the State. 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., Kalyani, Nadia. The order dated 08.12.2021 reflects that the learned Court on the prayer of the Investigating Agency issued proclamation and attachment simultaneously. The said order does not satisfy the requirements of Section 82 of the Code of Criminal Procedure.

Having considered the same and taking into account the fact that the petitioner has approached this Court almost after a year, I direct that the execution of the proclamation and attachment, if not executed till date,

be stayed till 9th March, 2023. However, the warrant of arrest so issued will remain operative and the police authorities would be entitled to exercise their powers in respect of the warrant of arrest. Learned Magistrate is directed to revive the issuance of proclamation by adhering the provision of Section 82 of the Code of Criminal Procedure.

With the aforesaid observations, C.R.R. 4493 of 2022 is disposed of.

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.)