

20.12.2023
Item No.56
gd/ssd

CRR/4541/2023
IA NO: CRAN/1/2023
SK. SHYAN AKTHER @ BITTU
VS
STATE OF WEST BENGAL

Mr. Somopriyo Chowdhury,
Mr. Dipayan Dan
..for the Petitioner.

Mr. Arijit Ganguly
..for the State.

Re: CRAN/1/2023

Learned advocate appearing for the petitioner submits that there has been delay of 110 days in preferring this revisional application.

Having regard to the reasons assigned to the revisional application, I am of the view that the same are just and sufficient.

Accordingly, the delay is condoned.

CRAN 1 of 2023 is allowed.

Re: 4541 of 2023

Report submitted by Mr. Arijit Ganguly, learned advocate appearing for the State be kept with the record.

Report reflects that proclamation as well as attachment has been executed.

Mr. Chowdhury, learned advocate appearing for the petitioner has challenged the order dated 09.05.2023.

Learned advocate submits that in course of investigation without any subjective satisfaction regarding the execution of the warrant of arrest, proclamation and attachment was issued by the learned Magistrate and thereafter the charge-sheet was submitted.

Having regard to the stage at which proclamation and attachment was issued, I am of the view that the petitioner must be granted liberty to exhaust his remedies before a court of law.

Accordingly, the order relating to proclamation and attachment and its effect be kept in abeyance till 15th January, 2024.

The police authority would take into account that on and from 16th January, 2024 the process relating to proclamation and attachment has revived and effect may be given according to the provisions of the Code so far as the present petitioner is concerned.

With the aforesaid observations, CRR 4541 of 2023 is disposed of.

All the parties shall act on the server copy of this order duly downloaded from the official website of this court.

(Tirthankar Ghosh, J.)