

D/L102
07.02.2023
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C.R.R.4572 of 2022

In Re: An application under Section 401 read with section 482 of the
Code of Criminal Procedure, 1973;

Chiranjit Haldar @ Chiranjit Halder and another
Versus
The State of West Bengal

Mr. Arindam Jana,
Mr. Soumajit Chatterjee.
...for the petitioners.

Mr. Anwar Hossain,
Ms. Debjani Sahu.
...for the State.

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

The proclamation and attachment as is revealed from the
report submitted by Mr. Hossain, learned advocate for the State was
issued on 15th September, 2022. The report of the Officer-in-
Charge, Kulpi Police Station reflects that the proclamation and
attachment was executed on 17.09.2022. The manner in which the
proclamation and attachment was issued by the jurisdictional court
and executed by the police authorities calls for interference of this
Court as there are no subjective satisfaction recorded by the learned
Magistrate. The statutory period of 30 days under the relevant
provisions were not complied with.

Accordingly, the order issuing proclamation and
attachment dated 15.09.2022 is hereby set aside. However, the
warrant of arrest so issued would be in operation. The petitioners
would be at liberty to exhaust the remedies available under the law.

With the aforesaid observations, CRR 4572 of 2022 is disposed of.

All 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 of all requisite formalities.

(Tirthankar Ghosh, J.)