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CRR No. 1677 of 2023

In Re: Suranjan Das

Mr. Ayan Bhattacharjee
Mr. Arnab Saha
Mr. Abhimanyu Banerjee
... For the Petitioner
Mr. Debasish Roy
Ms. Rajnandini Das
... For the State

Supplementary affidavit and affidavit of service filed by the petitioner are taken on record.

Heard learned counsels for the petitioner and the State.

Though the petitioner initially assailed the order passed by the learned Additional District Judge, 2nd Court in charge of NDPS Act cum Additional District Judge, 3rd Court, Balurghat, Dakshin Dinajpur on 30th November, 2022 in Special Case no. 18 of 2022 directing issuance of warrant of arrest against the petitioner, the petitioner has filed a supplementary affidavit challenging the subsequent order passed by the learned trial Court on 29th March, 2023.

It appears that warrant of arrest was issued against the petitioner vide order passed on 30th November, 2022. On 29th March, 2023, the learned trial Court issued warrant of proclamation and attachment against the petitioner despite the fact that non execution report of the warrant of arrest was not produced before him. Also, warrant of proclamation and attachment has been issued simultaneously without assigning any reason therefor in violation of the provision laid down under Sections 82/83 of the Code of Criminal Procedure. Such issuance of warrant of proclamation and attachment is bad in law and is required to be set aside.

The order passed by the learned trial Court on 29th March, 2023 in Special Case no. 18 of 2022 is set aside/quashed.

Since nothing further remains to be adjudicated in the present revisional application, the same is disposed of.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)