

CRR 3344 of 2024

Binit Kumar Singh @ Akhilesh
Vs.
The State of West Bengal & anr.

Adv. Soumya Basu Roy Chowdhury

for the petitioner.

Adv. Debasish Roy, Ld. PP,
Adv. Arijit Ganguly,
Adv. Sreemoyi Roy,

...for the State.

Report submitted by the State is taken on record.

The petitioner has assailed the order dated 13th May, 2024 passed by the learned Chief Judicial Magistrate, Howrah in GR case no. 5768 of 2023 issuing warrant of proclamation and attachment when warrant of arrest was pending.

It appears that charge sheet was submitted on 10th February, 2024 followed by issuance of warrant of arrest against the petitioner and others on the same date. Execution return was not received by the learned Magistrate till 13th May, 2024. On the said date, the learned Magistrate issued warrant of proclamation and attachment together despite the fact that execution return of the warrant of arrest was not received by the Court. Also, warrant of proclamation and attachment was issued simultaneously without assigning any reason therefor in terms of Sections 82/83 of the Code of Criminal Procedure.

In view of the above, this Court is inclined to hold that issuance of warrant of proclamation and attachment is bad in law and cannot be sustained.

The order impugned dated 13th May, 2024 issued by the learned Chief Judicial Magistrate, Howrah in GR case no. 5768 of 2023 be quashed.

The revisional application, being CRR 3344 of 2024 is allowed.

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

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

(Suvra Ghosh, J.)