

17
03-12-2024
Ct. No.34
b.das

CRR No. 4079 of 2024

+
CRAN 1 of 2024

In the matter of : Netai Chandra Saha @ Nittya
..... petitioner.

Mr. Subrata Bhattacharjya
Mr. Soumen Sarkar ...for the petitioner.

Mr. Debasish Roy
Mr. Arijit Ganguly
Ms. Sreemoyi Roy ...for the State.

In Re: **CRAN 1 of 2024**

Heard learned counsels for the parties.

The petitioner seeks condonation of delay in filing
the revisional application.

Good grounds being shown, the application is
allowed. Delay in filing the revisional application is
condoned.

In view of the above, the application being CRAN 1 of
2024 is disposed of.

In Re: **CRR 4079 of 2024**

The petitioner has assailed the order dated 16th
April, 2022 passed by the learned Additional Chief Judicial
Magistrate, Kalyani, Nadia in GR Case No.950 of 2022
whereby warrant of proclamation and attachment has been
issued simultaneously.

The issuance of warrant of proclamation and attachment simultaneously is in contravention of the provision laid down under Section 82/83 of the Code of Criminal Procedure and cannot be sustained. Accordingly, the order impugned dated 16th April, 2022 is set aside/quashed.

It appears that the warrant of arrest was issued against the petitioner vide order passed on 21st March, 2020.

The petitioner undertakes to surrender before the learned Magistrate within a fortnight from date and seek bail. If the petitioner surrenders before the learned Magistrate within the said time frame and files an application for bail, the learned Magistrate shall deal with the application, in accordance with law.

In the event the petitioner fails to surrender before the learned Magistrate within the stipulated time frame, the learned Magistrate shall be at liberty to take necessary steps against the petitioner in accordance with law.

The warrant of arrest issued vide order dated 21st March, 2020 be stayed till 20th December, 2024.

The revisional application being CRR 4079 of 2024 is disposed of.

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

(**Suvra Ghosh, J.**)