

CRR No. 870 of 2025

In the matter of : Mijanur Sk. @ Mijanur Rahaman & Ors.
... petitioners.

Mr. Uday Sankar Chattopadhyay
Mr. Firdous Samim
Ms. Gopa Biswas
Ms. P. Shome
Ms. S. Dey ...for the petitioners.

Mr. A. A. Alamgir
Syed Ul Jaman
Ms. Soma Mal
Ms. Rabia Khatun ...for the de facto complainant.

Mr. Debasish Roy
Mr. Arijit Ganguly
Mr. S. Taulkdar ...for the State.

Supplementary affidavit submitted on behalf of the
petitioners is taken on record.

Heard learned counsels for the parties.

Charge sheet was submitted on 23rd November,
2024 wherein the petitioners were not sent up for trial.

The learned Additional Chief Judicial Magistrate,
Lalbagh, Murshidabad by an order dated 13th January,
2025 took cognizance in respect of the accused persons as
well as the petitioners and issued warrant of arrest against
them.

Non execution report was submitted by the
investigating officer before the learned Magistrate. By an

order dated 14th May, 2025, the learned Magistrate directed issuance of warrant of proclamation and attachment simultaneously without assigning any reason therefor.

Placing reliance on the authority in **Inder Mohan Goswami & Anr. vs. State of Uttaranchal & Ors.** reported in (2007)12 SCC 1, learned counsel for the petitioners submits that the learned Magistrate ought to have issued summons upon the petitioners upon taking cognizance of the charge sheet.

Learned counsel for the State submits, on instructions, that warrant of proclamation and attachment has been executed.

Learned counsel for the de facto complainant opposes the prayer of the petitioners and submits that the petitioners have been absconding for a considerable period of time.

Learned counsel for the petitioners submits that the petitioners undertake to surrender before the learned Magistrate within a fortnight from date.

If the petitioners surrender before the learned Magistrate within a fortnight from date and file an application for bail, the learned Magistrate shall deal with the same in accordance with law.

In the event the petitioners fail to surrender before the learned Magistrate within the stipulated time frame,

the learned Magistrate shall be at liberty to take necessary steps against the petitioners in accordance with law without further reference to this Court.

The warrant of arrest issued vide order dated 13th January, 2025 and the warrant of proclamation and attachment issued vide order dated 14th May, 2025 be stayed till 30th June, 2025.

The revisional application being CRR 870 of 2025 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.)