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C.R.R. 1038 of 2025

Re: Sayad Nazir Ali

Mr. Ayan Bhattacharya

Mr. Soham De Dhara

Mr. Akash Ghosh

... For the Petitioner

The petitioner has assailed the order dated 11th May, 2023 passed by the learned Additional Chief Judicial Magistrate, Chanchal, Malda in G.R. Case no. 1113 of 2021 directing issuance of warrant of proclamation and attachment simultaneously.

It appears that vide order passed on 8th September, 2021 warrant of arrest was issued against the petitioner. The investigating agency prayed for issuance of warrant of proclamation and attachment though no non-execution report was submitted before the learned Magistrate. By the order impugned, the learned Magistrate directed issuance of warrant of proclamation and attachment simultaneously without recording any reason therefor, in violation of the provision laid down under Section 83(1) of the Code of Criminal Procedure. Also, the order impugned does not record the subjective satisfaction of the learned Magistrate with regard to non-execution of the warrant of arrest.

In view of the above, this Court is inclined to hold that the order impugned being *de hors* of the provisions of law is required to be set aside.

The revisional application is allowed.

The order impugned dated 11th May, 2023 passed by the learned Additional Chief Judicial Magistrate, Chanchal, Malda in G.R. Case no. 1113 of 2021 is quashed/set aside.

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

(Suvra Ghosh, J.)