

In the matter of:- Sarafat Molla

...petitioner

Sk. Toslim Ali,
Ms. Rituparna Bhadra.
...for the petitioner.

Learned counsel appearing on behalf of the petitioner submits as follows. An FIR was started under Section 195(A) of the Penal Code on 05.04.2023 against the petitioner and others. Incidentally, the petitioner was not an accused in the original case. After submission of charge sheet, warrant of arrest was issued against the petitioner for the first time on 18.10.2023. On 28.10.2023, the learned Magistrate without recording any satisfaction for such purpose issued a proclamation along with an order of attachment. This is absolutely bad in law.

It is true that some kind of satisfaction has to be recorded while issuing an order of proclamation. That is found absent in the impugned order.

Moreover, on the first day, proclamation and attachment cannot be issued simultaneously.

Therefore, the impugned order dated 28.10.2024 is set aside to the extent of issuance of orders of proclamation and attachment.

At this stage, learned counsel appearing on behalf of the petitioner submits that the petitioner would like to appear before the learned Trial Court at the earliest and pray for bail.

In view of the above, in the event the petitioner surrenders before the learned Trial Court and prays for bail within a fortnight from this date, the learned Trial Court shall consider such application in accordance with

law.

With these observations, the revisional application is disposed of.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)