

Court No.
28
Item 5
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C.R.R. 2315 of 2025

22.05.
2025

In the matter of: **Minjarul Molla.**

Mr. Samim Ahmmed
Ms. Salma Sultana Shah
...for the petitioner

Mr. Suman Dey
Ms. Debjani Sahu
...for the State

Let a copy of this application be served upon Mr. Suman Dey and Ms. Dejjani Sahu, learned counsels, who ordinarily appear on behalf of the State. They are requested to represent the State in this case. Their engagement may be regularized in due course.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioners were issued notice under Section 35 (3) BNSS. When they went to comply with a notice, the police demanded bribe. Since the demand was not complied with, the police authorities prayed for issuance of proclamation and attachment together before the learned trial Court. The learned trial Court, by an order dated 12.03.2025, simultaneously issued warrant of arrest and proclamation on the very first day. This is absolutely bad in law.

Learned counsel for the State denies the allegations

made against the police authorities.

Unless a warrant of arrest is issued and thereafter remains unexecuted and a non-execution report is filed before the learned Magistrate, it is not open to the learned Magistrate to issue an order of proclamation.

In view of the patent illegality, the order issuing proclamation is set aside.

Without going into the dispute regarding whether any undue favour was demanded of the petitioners, in the interest of justice, I stay the warrant of arrest issued by the learned trial Court for a period of six weeks from this date.

The petitioner shall be at liberty to appear before the learned Court within such time and pray for bail, which shall be considered in accordance with law.

With these observations, the revisional application is disposed of.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible .

(Jay Sengupta, J.)