

Form No. J(2)

IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION

Present:

The Hon'ble Justice Jay Sengupta

C.R.R. 2790 of 2025

Sohadeb Giri @ Sahadev Giri

-vs-

State of West Bengal & others.

For the Petitioner : Mr. Soumojit Das Mahapatra
Mr. Abdul Aziz Mondal

For the State : Mr. Rana Mukherjee
Mr. Subhajit Chowdhury

Heard on : 15.07.2025

Judgment on : 15.07.2025

Jay Sengupta, J.:

Let a copy of this application be served upon Mr. Rana Mukherjee and Mr. Subhajit Chowdhury, 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 petitioner is an accused in Tehatta Police Station Case No. 898 of 2024 dated 03.12.2024 under Sections 85/89/117(2)/3(5) of the BNS, 2023. He is the alleged husband of the de facto complainant. Even during investigation, the Investigating Agency prayed for issuance of warrant of arrest against the present petitioner. By an order dated 28.02.2025, the Investigating Officer prayed for simultaneous issuance of warrant of arrest and proclamation of attachment. Warrant of arrest and proclamation were issued simultaneously on the first day, i.e., 28.02.2025. This order is absolutely bad in law. Unless a satisfaction is recorded that a warrant of arrest could not be executed, a proclamation cannot be issued. The petitioner wants to join the proceeding at the earliest.

Learned counsel appearing on behalf of the State opposes the prayer and submits as follows. There are serious allegations in this matter. These include allegations of forcible termination of pregnancy and attempt to murder. Therefore, the Investigating Agency was quite justified to pray for issuance of warrant of arrest and proclamation.

Considering the serious nature of allegations and the claim of the Investigating Agency that they were looking for the petitioner,

who was absconding, the Investigating Officer was quite justified in praying for issuance of warrant of arrest and the issuance of the same cannot be faulted with.

However, unless a non-execution report for warrant of arrest is placed before the Court and the Court is satisfied with it, a proclamation cannot be issued.

In view of the above, the proclamation issued against the petitioner on 28.02.2025 is set aside.

Let the warrant of arrest remain stayed for a period of three weeks, so that the petitioner can make an appropriate application for anticipatory bail before a Court of law within such time.

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.)