

CRR 2998 of 2025

Ab

In Re: An application under Section 528 read with Section 529 of the Bharatiya Nagarik Suraksha Sanhita, 2023 corresponding Section 482 read with Section 483 of the Code of Criminal Procedure, 1973;

and

In the matter of : **Om Prakash Tiwari**

...Petitioner.

**Mr. Abhra Mukherjee,
Mr. Sauradeep Dutta.**

...For the petitioner.

**Ms. Anusua Sinha, Ld. APP,
Ms. Baishakhi Chatterjee.**

...For the State.

1. Learned Advocate for the petitioner and the learned Advocate for the State are present. Heard the learned Advocates for the parties.
2. This application is filed for seeking a direction upon the learned Additional Chief Judicial Magistrate, Serampore, Hooghly, to conclude the proceedings of G.R. Case NO. 163 of 2012 in connection with Uttarpara Police Station Case No. 33 of 2012 dated 6th February 2012.
3. It is the contention of the petitioner that as one of the accused in the instant case is absconding, the trial cannot be commenced.
4. Learned Advocate for the State submits a report about the steps taken by the police authority to execute the warrant of arrest. Learned Advocate also furnish a copy of the petition made by the SI of Police to the learned Additional Chief Judicial Magistrate for issuing proclamation order against the co-accused Shiba Prasad @ Shiv Prasad @ Shiboo Mal.
5. In the facts and circumstances, this Court is of the view that at the outset decision is to be taken by the learned Additional Chief Judicial Magistrate, Serampore, Hooghly with regard to the prayer by the SI of Police for issuing proclamation.
6. After taking decision with regard to the application made by the SI

of Police, the learned Magistrate shall decide whether the trial should be split up or not.

7. This application stands disposed of.

(Biswaroop Chowdhury, J.)