

13.11.2025

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SB

CRR 3694 of 2025

**Jannatun Bibi @ Jannatul Firdous
Vs.
The State of West Bengal**

Mr. Kallol Kumar Basu
Mr. Jannat ul Firdous
Mr. Rajsekhar Hota ...for the Petitioner

Md. Hafiz Ali ...for the Defacto-complainant

Mr. Debasish Roy, Ld. PP
Mr. Suman De
Mr. Soumya Basu Roy Chowdhury ...for the State

The petitioner herein has challenged the order dated 14th July, 2025, by which the court below issued warrant of proclamation and warrant of attachment simultaneously against the present petitioner Jannatun Bibi @ Jannatul Firdous.

It is submitted on behalf of the petitioner that the petitioner is not FIR named. However, after completion of investigation, charge-sheet has been submitted against the present petitioner in a proceeding under Section 127(1)/118(1)/118(2)/109/3(5) of the BNSS showing her as absconder. Thereafter, by the impugned order, the court below on the basis of the prayer made on behalf of the Investigating officer issued warrant of proclamation and warrant of attachment simultaneously.

Learned counsel for the defacto-complainant raised objection against petitioner's prayer.

Mr. Suman De, learned counsel, who usually appears before this court on behalf of the State, is hereby appointed to represent the State. The concerned authority is directed to regularize his appointment.

Considered the submissions made by the petitioner. Time and again, this court has made a specific observation that only in the circumstances mentioned in the proviso to sub-section (1) of Section 85 of BNSS, the court is authorized to issue the order of proclamation and attachment simultaneously. The court below herein neither disclosed any ground nor make out any emergent situation which prompted her to issue both the warrants simultaneously. Accordingly, the impugned order in connection with issuance of warrant of proclamation and warrant of attachment vide order dated 14.7.2025 is hereby set aside. The petitioner undertakes to surrender before the court below.

In such circumstances, the instant application being CRR 3694 of 2025 is hereby disposed of giving liberty to the petitioner to surrender before the court below within a period of two weeks from date and in the event of surrender by the petitioner, the court below will dispose of her prayer in accordance with law without being influenced by any observations made herein.

The warrant of arrest issued earlier against the petitioner, shall remain stayed for a period of two weeks or till the petitioner surrenders before the court below, whichever is earlier.

Parties shall act on the basis of the server copy of this order duly downloaded from the official website of this court.

(Dr. Ajoy Kumar Mukherjee, J.)