

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION
APPELLATE SIDE**

Sl. 29
08.12.2025
Court No.29
Sc

CRR 4156 OF 2025

Re : An Application under Section 482 read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS).

In the matter of: **Rubina Bibi**

... Petitioner

Mr. Kallol Kumar Basu
Md. Jannat ul Firdous.

... For the Petitioner

Mr. Suman De

...For the State

Mr. Suman De, learned counsel who appears on behalf of the State and is hereby appointed to represent the State in this case. His appointment shall be regularized accordingly.

Learned counsel for the petitioner handed over a copy of the application to Mr. De, learned counsel for the State.

This is an application wherein the petitioner has challenged the order dated 7th February, 2024 by which the Court below had issued Warrant of Proclamation and Warrant of Attachment simultaneously against the present petitioner and the other accused.

Being aggrieved by the aforesaid order, learned counsel for the petitioner submits that simultaneous order of Warrant of Proclamation and Warrant of Arrest without assigning any cogent reason is barred by Sections 82 and 83 of the Code of Criminal Procedure.

Learned counsel appearing on behalf of the State submits that even simultaneous issuance of Warrant of Proclamation and Warrant of Attachment may not stand but the order which pertains to issuance of Warrant of Arrest, issued by the Court below, is not liable to be interfered with by this Court.

Having heard learned counsel for the petitioner and the State it appears that by the impugned order learned Court below without receipt of any execution report declared the petitioner as proclaimed offender and had issued Warrant of Proclamation and Warrant of Attachment simultaneously on the basis of prayer made by I.O., without showing any emergent situation for issuance of both the warrant simultaneously. Ordinarily simultaneous order of proclamation and attachment is not lawful. Only in case of emergency and only when two conditions mentioned in proviso to Section 83(1) Cr.P.C. is satisfied, the Magistrate can exercise its discretion to pass order of proclamation and attachment together.

Having considered the aforesaid facts and circumstances, I find that the order impugned dated 07.2.2024 suffers from impropriety and perversity and, as such, is liable to be set aside.

In such view of the matter, CRR 4156 of 2025 is allowed.

The impugned order dated 07.2.2024 by which the Court below issued Warrant of Proclamation and Warrant of Attachment simultaneously, is hereby set aside.

However, this order will not preclude the Court below to issue Warrant of Proclamation or Warrant of Attachment or both following the procedure laid down under Sections 82 and 83 of the Code of Criminal Procedure, if situation demands.

As sought for, the petitioner will be at liberty to surrender before the Court below within a period of two weeks.

The Warrant of Arrest issued against the present petitioner shall be stayed for a period of two weeks or till the petitioner surrenders before the Court, whichever is earlier.

Urgent Photostat certified copy of this order, if applied for, be furnished to the parties on usual undertaking.

(Dr. Ajoy Kumar Mukherjee, J.)