

20.02.2025
rc/ct.no.34
Item No.50

CRR No.3978 of 2024

In the matter of : Dulal @ Dulal Ali

.....Petitioner

Mr. Sankar Nath Mukherjee	
Mr. Niroj Gupta	
Mr. Soupal Chatterjee	
Mr. Saikat Pal	
Ms. Manisha Paswan	...for the Petitioner
Mr. Sattik Raut	...for the O.P.
Mr. Debasish Roy, Ld. P.P.	
Mr. Arijit Ganguly	
Mr. Sreemayi Roy	for the State

The petitioner has assailed the order dated September 03, 2022 passed by the learned Additional Chief Judicial Magistrate, Chanchal, Malda in connection with G.R.Case No. 1156 of 2022 directing issuance of warrant of proclamation and attachment simultaneously.

Heard learned counsels for the parties.

It appears from the order impugned that the learned Magistrate has directed issuance of warrant of proclamation and attachment simultaneously without recording any reason therefor in terms of Section 83(1) of the Code of Criminal Procedure. Also, subjective satisfaction of the learned Magistrate with regard to the non-execution of the warrant of arrest has not found place in the order.

In view of the above, this Court is inclined to hold that the order impugned passed in violation of Sections 82/83 of the Code of Criminal Procedure is required to be set aside.

Accordingly the revisional application is allowed.

The order impugned dated September 03, 2022 passed by the learned Additional Chief Judicial Magistrate, Chanchal, Malda in connection with G.R.Case No. 1156 of 2022 be set aside/quashed.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh,J)