

CRR No. 4376 of 2024

In the matter of : Tajibur Sk. petitioner.

Mr. Mukunda Lal Sarkar
Mr. Ranadeb Sengupta
Mr. Sibendu De ...for the petitioner.

Mr. Debasish Roy
Mr. Arijit Ganguly
Ms. Sreemoyi Roy ...for the State.

Supplementary affidavit filed by the petitioner and
the report submitted by the State are taken on record.

The petitioner has assailed the orders dated 3rd
February, 2024, 7th February, 2024, 21st February, 2024
and 20th March, 2024 passed by the learned Additional
Chief Judicial Magistrate, Kandi, Murshidabad in GR Case
No.1985/2023.

Heard learned counsels for the parties.

It appears that by the order dated 3rd February,
2024, the learned Magistrate directed issuance of warrant
of proclamation and attachment simultaneously without
assigning any reason therefor in terms of the provision of
Section 83(1) of the Code of Criminal Procedure. Charge
sheet was submitted against the petitioner and others on
7th February, 2024. Execution report of the warrant of
proclamation was accepted by the learned Magistrate vide

order dated 21st February, 2024 and the case was filed for the present against the petitioner upon receipt of execution report of attachment vide order dated 20th March, 2024.

The warrant of proclamation and attachment issued by the learned Magistrate simultaneously without assigning any reason therefor in terms of Section 83(1) of the Code of Criminal Procedure is bad in law. In the result, execution of such warrant is also vitiated.

In view of the above, the order impugned dated 3rd February, 2024 passed by the learned Additional Chief Judicial Magistrate, Kandi, Murshidabad in GR Case No.1985/2023 and the subsequent orders dated 21st February, 2024 and 20th March, 2024 insofar as execution reports of warrant of proclamation and attachment were accepted by the learned Magistrate and the case filed for the present in respect of the petitioner are set aside/quashed.

It is made clear that the orders impugned are set aside only insofar as the petitioner is concerned.

CRR 4376 of 2024 is disposed of.

Urgent certified website copy of the order, if applied for, be given to the parties on compliance of requisite formalities.

(Suvra Ghosh, J.)