

CRR No. 5149 of 2024

In the matter of : Ujir Ali

..... petitioner.

Mr. Sourav Chatterjee

Mr. Soumya Nag ...for the petitioner.

Mr. Arijit Ganguly

Mr. Rajashree Tah for 5th State.

Affidavit of service filed by the petitioner is taken on record.

Heard learned counsels for the parties.

The petitioner is aggrieved by the order dated 27th September, 2024 passed by the learned Additional Chief Judicial Magistrate, Islampur, Uttar Dinajpur in connection with GR Case No.1981 of 2024 directing issuance of warrant of proclamation against him.

Learned counsel for the petitioner submits that warrant of proclamation was issued by the learned Magistrate by the order impugned on prayer of the investigating officer without recording his satisfaction with regard to non-execution of the warrant of arrest which was issued against the petitioner during pendency of investigation on 23rd August, 2024.

Learned counsel for the State submits, on instructions, that no non-execution report of the warrant

of arrest issued earlier was submitted before the learned Magistrate directed issuance of warrant of proclamation.

In view of the above, this Court is inclined to hold that the warrant of proclamation issued by the learned Additional Chief Judicial Magistrate, Islampur is in violation of the provision of Section 82 of the Code of Criminal Procedure and is required to be quashed/set aside.

Accordingly, the order impugned dated 27th September, 2024 passed by the learned Additional Chief Judicial Magistrate, Islampur, Uttar Dinajpur in connection with GR Case No.1981 of 2024 is quashed/set aside.

Learned counsel for the State submits that the warrant of proclamation and attachment has been executed.

Since the order impugned has been set aside/quashed, all consequential orders thereto be quashed/set aside.

The revisional application being CRR 5149 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.)