

CRR No. 5325 of 2024

In the matter of : Samiruddin Mir petitioner.

Mr. Amitabha Karmakar
Mr. Arup Kr. Bhowmick ...for the petitioner.

On prayer of the petitioner liberty is granted to correct the cause title of the application.

The petitioner has assailed the order passed by the learned Additional Sessions Judge, 2nd Court, Tamluk in ST Case No.98 of 2023 on 5th November, 2024 directing issuance of warrant of proclamation and attachment against the petitioner simultaneously.

Heard learned counsel for the petitioner.

It appears that warrant of arrest was issued against the petitioner vide order dated 31st July, 2024 since the petitioner was absent without any steps. The warrant was not executed despite the fact that it was brought to the notice of the learned Court that the petitioner was plying his toto in his residential area regularly and also in the area of Sabong Police Station. On receipt of non execution report of the warrant of arrest, warrant of proclamation and attachment was issued against the petitioner by the order impugned.

It is pertinent to record that issuance of warrant of proclamation and attachment simultaneously without recording any reason therefor as required under the proviso to Section 83(1) of the Code is dehors Section 82/83 of the Code of Criminal Procedure.

Be that as it may, the petitioner undertakes to surrender before the learned Trial Court within a fortnight from date.

If the petitioner surrenders before the learned Trial Court within a fortnight from date and files an application for bail, the learned Court shall deal with the same in accordance with law.

In the event the petitioner fails to surrender before the learned Trial Court within the stipulated time frame, the learned Trial Court shall be at liberty to take necessary steps against the petitioner in accordance with law without further reference to this Court.

The order impugned dated 5th November, 2024 is stayed till 28th February, 2025.

The revisional application being CRR 5325 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.)