

04.03.2025

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C.R.R. 39 of 2025

Re: Rabiul Gazi @ Robiul Gaji

Mr. Apalak Basu

Ms. Sanghamitra Mridha

Mr. Binoy Shaw

... For the Petitioner

Mr. Arijit Ganguly

Mr. Santanu Talukder

... For the State

Heard learned counsels for the parties.

The petitioner has assailed the order dated 19th November, 2022 by the learned Additional Sessions Judge, 6th Court, Barasat, North 24 Parganas in N Case no. 144 of 2021 directing issuance of warrant of proclamation and attachment against him simultaneously. It appears from the order impugned that upon receipt of non-execution report of warrant of arrest against the petitioner, learned trial Court directed issuance of warrant of proclamation and attachment simultaneously against him without assigning any reason therefor in terms of Section 83(1) of the Code of Criminal Procedure.

In view of the above, this Court is inclined to hold that simultaneous issuance of warrant of proclamation and attachment without assigning any reason therefor is *de hors* the provision under Section 83(1) of the Code of Criminal Procedure and as such, the order impugned is required to be quashed.

The revisional application is allowed.

The order impugned dated 19th November, 2022 passed by the learned Additional Sessions Judge, 6th Court, Barasat, North 24 Parganas in N 144 of 2021 be quashed/set aside.

Consequential orders ,so far as the petitioner is concerned, shall not be given effect to by the learned Court.

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

(Suvra Ghosh, J.)