

11.8.2025  
SL. 2  
Court No. 3  
Sourav

**In the High Court at Calcutta  
Circuit Bench at Jalpaiguri  
Criminal Revisional Jurisdiction**

**C.R.R. 60 of 2025**

In re: An application Under Section 482 read with Section 483  
of the Code of Criminal Procedure, 1973.

And

In the matter of: **Bhogal Mollah @ Ali Ahammad Molla**  
... petitioner.

Mr. Aditi Shankar Chakraborty, Ld. APP  
Mr. Sourav Ganguly

... for the State.

1. None appears on behalf of the revisionist.
2. Mr. Ganguly, learned advocate appears on behalf of the respondent/State.
3. The subject matter of the instant revisional application is the order dated 26.07.2023 as passed by the learned Special Judge (NDPS Act), Additional Sessions Judge, 2<sup>nd</sup> Court at Jalpaiguri in connection with NDPS Case No. 66 of 2022.
4. At the time of hearing though none appears on behalf of the revisionist, however, Mr. Ganguly, learned advocate appearing on behalf of the respondent/State in his usual fairness submits before this Court that the order impugned is not passed in compliance with the mandate of Section 82 of the Code of Criminal Procedure.
5. On perusal of the order under challenge dated 26.07.2023 as mentioned supra, it reveals that the learned trial Court

while passing the said order under challenge came to a finding that execution report of warrant of arrest against the present accused person along with another have not returned from the jurisdictional P.S. and accordingly, the said trial Court issued W.P.A against both the accused persons.

6. At this juncture, I propose to look to the provisions of Section 82 of the Code of Criminal Procedure:

*“82. Proclamation for person absconding. – (1) If any Court has reason to believe (whether after taking evidence or not) that any person against whom a warrant has been issued by it has absconded or is concealing himself so that such warrant cannot be executed, such Court may publish a written proclamation requiring him to appear at a specified place and at a specified time not less than thirty days from the date of publishing such proclamation.*

*(2) .....*

*(3) .....*

*(4) .....*

*(5) .....”*

7. Keeping in mind the aforementioned legislative provisions, if I look to the order under challenge, it appears to this Court that while passing the said order dated 26.07.2023, learned trial Court has made no observation as to why he has come to a belief that accused persons are either absconding or concealing themselves in order to avoid execution of the warrant of arrest.

8. It rather appears from the order under challenge that the learned trial Court without waiting for execution report of the warrant of arrest has issued W.P.A against the accused persons.
9. In considered view of this Court, such an action on the part of the learned trial Court is contrary to the law and is thus hereby set aside.
10. Consequently, all subsequent actions in connection with the issuance of W.P.A. against the present revisionist as well as the other co-accused stands hereby quashed.
11. With the aforementioned observations, the instant revisional application being **CRR 60 of 2025** is allowed and disposed of.
12. Department is directed to forward a copy of this order to the learned trial Court for its information and record.

**(Partha Sarathi Sen, J.)**