

IN THE HIGH COURT AT CALCUTTA
IN THE CIRCUIT BENCH AT JALPAIGURI
CRIMINAL REVISIONAL JURISDICTION
APPELLATE SIDE

10.06.2025
(ct. no.02)
08
Kausik

CRR 148 of 2025

In Re: An application under sections 397/401 read with 482 of the Code of Criminal Procedure, 1973, corresponding to Sections 397/442(3) with 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Sessions Case No. 31 of 2017 arising out of Matigara Police Station Case No. 80 of 2014 dated 21.02.2014 under sections 363/366A/376(2)(1) of the Indian Penal Code, 1860 read with Section 4 of the Protection of Children from Sexual Offences Act, 2012, pending before the Learned Additional District & Sessions Judge, (1st Court), Siliguri.

In the matter of : Biplab Ray

.... Petitioner.

Mr. Arijit Ghosh
Mr. Angana Rakshit
Mr. Sudipta Ghosh

.... For the petitioner

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

.... For the State

Petitioner has approached this Court against the orders dated 16.05.2014 and 05.10.2024.

Be that as it may, the main subject matter which is involved is that warrant, proclamation and attachment being issued simultaneously by the learned Special Court. The order dated 16.05.2024 reflects that the learned Additional District

and Sessions Judge, 1st Court, Siliguri under the POCSO Act was pleased to issue proclamation and attachment simultaneously in its order dated 16.05.2024.

Having considered that there are procedures involved prior to issuance of proclamation, I am of the view that the order of proclamation and attachment so issued by the learned Special Court be stayed till 18.06.2025. However, the warrant of arrest so issued and was pending for a considerable period of time will be in existence.

Learned advocate appearing for the petitioner undertakes that the petitioner would surrender before the learned Special Court.

Since an undertaking has been given by a learned advocate, I direct the learned Special Court to be lenient while considering the bail of the petitioner when he surrenders before the Court as the trial of the case would be of much more prerogative than keeping the accused in custody.

Mr. Ganguly, learned advocate appears on behalf of the State and opposes the prayer. However, having regard to the directions passed above, I am of the opinion no further orders need not be passed.

Consequently, the revisional application being CRR 148 of 2025 is disposed of.

All parties to act on the server copy of this order duly downloaded from the official website of this Court.

(Tirthankar Ghosh, J.)