

July 9, 2025
Ap (81)

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

CRR 346 of 2025

Najir Hossain @ Nazir Hossain
Vs.
The State of West Bengal

Adv. Biswajit Das
Adv. Anada Paul

...for the petitioner.

Adv. Aditi Shankar Chakraborty, Ld. APP
Adv. Tapan Bhattacharjee

... for the State.

The petitioner has assailed the order passed by the learned Judge, Special Court (POCSO)- cum- Additional District and Sessions Judge, Dinhata on 6th February, 2025 in POCSO Case no. 31 of 2023 directing issuance of warrant of proclamation and attachment against him.

Heard learned counsels for the parties.

Warrant of arrest issued against the petitioner on 17th January, 2024. The warrant was not executed despite sufficient opportunity being given to the investigating officer. By the order impugned, the learned Trial Court directed issuance of warrant of proclamation and attachment simultaneously without assigning any reason therefor. Also, no non-execution report of warrant of arrest was submitted by the investigating officer prior to issuance of the warrant of proclamation and subjective satisfaction of the learned Judge was also not recorded prior to issuance of the same.

In view of the above, this Court is inclined to hold that the order impugned dated 6th February, 2025 directing issuance of warrant of proclamation and attachment is de hors the provision laid down under Sections 82/83 of the Code of Criminal Procedure and is required to be set aside/quashed.

Accordingly the revisional application being CRR 346 of 2025 is allowed.

The order impugned dated 6th February, 2025 passed by the learned Judge, Special Court (POCSO)- cum- Additional District and Sessions Judge, Dinhata on 6th February, 2025 in POCSO Case no. 31 of 2023 is set aside/quashed.

Liberty is granted to the petitioner to surrender before the learned Trial Court and apply for bail. If such application is filed, the learned Trial Court shall deal with the same in accordance with law.

Accordingly, the revisional application being CRR 346 of 2025 is disposed of.

There shall however be no order as to costs.

Since no affidavit is invited, the allegations contained in the petition are deemed not to have been admitted.

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

(Suvra Ghosh, J.)