

02.01.2025

Item No.10

Ct.No.2

kausik

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

C.R.R. 349 of 2024

**Mintu Roy @ Mithu Kumar Roy
Vs.
The State of West Bengal**

Mr. Sudip Guha

... For the Petitioner.

Mr. Aditi Shankar Chakraborty, APP
Mr. Ujjwal Luksom

...For the State.

Petitioner has challenged the simultaneous issuance of proclamation and attachment by the learned CJM, Jalpaiguri.

Records reflect that Kotwali PS Case No. 932/2023 dated 21.12.2023 was registered for investigation under section 14A and 14C of Foreigners' Act read with section 414 of the Indian Penal Code.

On completion of investigation, charge sheet was submitted before the jurisdictional court and having regard to the nature of the sections, learned CJM, Jalpaiguri was pleased to commit the case to the Court of Sessions keeping aside the case of the present petitioner as being filed.

Petitioner submits that the proclamation and attachment order was issued in gross ignorance of the provisions of section 82 of the Code of Criminal Procedure which is deterring the petitioner for applying for remedy of anticipatory bail.

In fact the petitioner submits that he preferred an anticipatory bail which was dismissed as infructuous on or about 02.07.2024.

Records of the case reflect that on 22.02.2024 summons were issued and date fixed on 01.03.2024. Thereafter on 01.03.2024 warrant of arrest was issued.

On 15.03.2024 also no report was received in respect of the warrant of arrest which was issued and consequently the court on 28.03.2024 issued warrant, proclamation and attachment simultaneously.

Thereafter, dates were fixed on 10.04.2024, 24.04.2024, 07.05.2024 and finally on 07.05.2024 the learned CJM, Jalpaiguri was pleased to commit the case segregating the case of the present petitioner.

The present revisional application was preferred on or about September, 2024. An accommodation was sought for on 12.09.2024 when the revisional application was listed. Again on 25.11.2024 accommodation was sought for on behalf of the petitioner and lastly on 27.11.2024 none appeared on behalf of the petitioner.

Till date the petitioner has not been disturbed by the police authorities. The same speak volumes.

As none appears on behalf of the state Mr. Luksome, learned advocate who ordinarily appears on behalf of the state is directed to represent the state. His appearance may be regularized by the concerned authorities.

In view of the conduct of the present petitioner who has not been touched by the police authorities in spite of the pendency of the proclamation and attachment rightly or wrongly, I am of the view that the factual circumstances of the present case are such that the petitioner is able to confidently evade the process of law.

As such no interference is made in respect of the impugned order so passed by the learned CJM, Jalpaiguri.

However, if the petitioner surrenders before the learned CJM, Jalpaiguri or the learned Sessions Court which is in seisin of the matter within a period of 7 days, the jurisdictional court will consider his bail application keeping in mind the complicity and similarly situated accused persons who if have been granted relief in connection with the present case.

With the aforesaid observations CRR 349 of 2024 is disposed of.

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

(Tirthankar Ghosh, J.)