

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

PRESENT:

The Hon'ble Justice Apurba Sinha Ray

CRR 278 of 2023

Mithun Mia @ Miya

Vs.

The Central Bureau of Investigation & Anr.

FOR THE PETITIONER : Mr. Arnab Saha
Mr. Md. Shoaib Akhtar

FOR THE CBI : Mr. Sudipto Kumar Mazumder, Ld. DSGI
Mr. Ajay Kumar Singhania
Mr. Sourab Kar

CAV ON : MARCH 11, 2025

JUDGMENT ON : MARCH 13, 2025

THE COURT:

1. Read orders dated 10.03.2025 and 11.03.2025.
2. The instant revisional application has been filed to set aside the orders dated 01.06.2023 and 22.08.2023 in connection with the relevant

G.R. Case No. 311 of 2021 which was re-numbered as Special Court Case No. 8 of 2022 of the Learned Additional Sessions Judge, 1st Court, Cooch Behar, (NDPS).

3. The contention of the petitioner that as the issuance of proclamation order dated 01.06.2023 did not conform the requirements under Section 82 of the Cr.P.C., the subsequent order dated 22.08.2023 for attachment of the properties of the petitioner is also bad. The petitioner has contended that there are several judicial decisions in support of his contention.

4. The learned counsel appearing for the Central Bureau of Investigation (CBI) has categorically submitted that the order dated 01.06.2023 was passed by the Learned Trial Court after compliance of all the legal formalities as required under section 82 as well as under Section 83 of the Criminal Procedure Code.

5. The issue has been dealt with by this court in CRR No. 280 of 2023 as well as CRR 281 of 2023 in detail. By order dated 13.03.2025 this court already held that the impugned order dated 01.06.2023 suffers from serious infirmities and is not sustainable in the eyes of law. As the order dated 22.08.2023 allowing the prayer for attachment of properties of the petitioner was passed on the basis of order dated 01.06.2023 which has already been set aside, the order dated 22.08.2023 is also liable to be set aside. Accordingly, the order dated 22.08.2023 passed by the Learned Additional

Sessions Judge, 1st Court, Cooch Behar (NDPS) in Special Court case no. 08/2022 is hereby set aside.

6. However, I want to make it clear that though the above orders have been set aside, that will not prevent the CBI to apprehend the petitioner in accordance with law, nor cause any hindrance to the CBI for taking fresh steps under section 82 Cr.P.C. (84 BNSS) if circumstances so arise, after complying with all the legal formalities in that regard.

7. Accordingly, CRR 278 of 2023 is allowed on contest. No costs.

8. Urgent certified website copies of this Judgments, if applied for, be supplied to the parties subject to compliance with all the requisite formalities.

(APURBA SINHA RAY, J.)