

Special Case No-38/07
Reg No.413/14
CNR No. WBCS01 000032-2006
Order No. 153
Order dated 28.08.25

Today is fixed for supplying original proclamation of A8 SK Chejara and appearance of other accused persons and directed to submit original proclamation form of A8 SK Chejara.

Out of seven accused persons, A3 Bhagwati Prasad Tibrewal, A4 Jitendra Chowdhury, A5 Krishna Chowdhury and A11 Tapabrata Banerjee are absent by represented by their Id. advocates u/s 317 CrPC.

A10 Lokesh Agarwal is represented u/s 205 CrPC by his Id. Advocate Shyamal Kumar Ghosh is present.

A petition is filed on behalf of A2 N.K Jalan contending that he was expired on 08.08.25. A report is also submitted by Sourav Kumar Singh, Police Inspector, CBI/EOB Kolkata wherein it is mentioned that the original proclamation form is not within the possession of the branch and same has already been executed and duly pasted at the local jurisdiction as a part of proclamation process.

Let a report be called for from HIO regarding the death of A2 N.K Jalan.

The report submitted by Sourav Kumar Singh is taken up for consideration. Before entering into the merit of the contention of the HIO, I would like to state that as per section 363 no court shall alter its final order or review the same. The order passed by this court are duly on record and hence further reliance of the said order or further review of the said order cannot be re-opened. As per section 82 (3) CrPC which has been relied by the concerned officer is reproduced here under "A statement in writing by the Court issuing the proclamation to the effect that the proclamation was duly published on a specified day in the manner specified in clause (I) of Sub-section (2) shall be conclusive evidence that the requirements of this section have been complied with, and that the proclamation was published on such day."

On plain reading of this section indicates that compliance has to be made in terms of section 82(2)(i) . I have already gone through the report and made due observation section 82(2)(i)b but no compliance was made in respect of section 82(2)(i)(a). Whatever may be the fact, I am not in position to alter the findings of this case on factual aspect wherein it is mentioned proclamation was duly published. On similarly it appears from the earlier order dated 12.06.25 supplying of original proclamation also bears no meaning but I am not authorized to make correction, addition or deletion nor I have the authority to set aside the same. The order passed by this court earlier is already on record and hence further noting of the same are unwarranted in law. Since no party of A8 SK Chejara was found at Rajasthan. Let the case be filed for present against A8 S.K Chejara and open warrant be issued at once.

Noted in the charge sheet.

Ld. PP for CBI files a petition for disposal of unrelieved documents. Copy of the petition served upon the Id. Advocate.

To 29.11.25 for death report and hearing on the petition for disposal of unrelieved documents.

Sd/-
Judge, 3rd Special
(CBI Designated) Court,
Bankshall Court, Calcutta