

10.04.2026  
12.  
Bd.  
Ct. 29

**CRR 1602 of 2026**

**Sathi Roy @ Sarmistha Roy & Anr.  
Vs.  
State of West Bengal**

**Mr. Shibaji Kumar Das  
Mr. Deblina De ... for the petitioners.**

This is an application wherein petitioners have prayed for quashing of the proceedings being D.R. 2142 of 2019 presently pending before the Court of learned Additional Chief Judicial Magistrate, Kalyani inclusive of the orders dated 1<sup>st</sup> June, 2022 and 18<sup>th</sup> January, 2024 and its consequential orders.

The petitioners have been arraigned for committing offence under section 14(A) of the Foreigners Act, 1946. It is alleged that after lodging of the FIR, police has neither made any endeavour for making passport verification nor has taken any endeavour to ascertain the truthfulness of the documents supporting petitioner's Indian Nationality & Citizenship. The prosecution has made omnibus statement that the petitioners are Bangadeshi nationals, which is absolutely without any basis or foundation. The allegations leveled as against the petitioners herein in the FIR, written complaints and charge sheet are totally fabricated and it does not constitute any offence punishable under section 14 of the Foreigners Act, as against the petitioners. Therefore

petitioners submit that continuance of the proceeding any further will be a mere abuse of the process of the court.

It is further submitted that by an order dated 18.01.2024, the court below has simultaneously issued warrant of proclamation and warrant of attachment against the accused persons going against the settled provision envisaged under section 84 and 85 of the BNSS read with section 82 and 83 of the Cr.P.C.

Having heard learned counsel for the petitioners, the application is admitted.

Petitioners are directed to serve a copy of application upon the State through the office of the Public Prosecutor, High Court, Calcutta.

Let the matter be listed under the heading "Contested Application" four weeks hence.

The impugned order dated 18.01.2024 by which the court below issued warrant of proclamation and warrant of attachment simultaneously are hereby stayed for a period of eight weeks from date or until further order, whichever is earlier.

The petitioners shall be at liberty to pray for interim stay of the impugned proceeding, if any, after serving copy of application to the State.

State will bring the case diary on the date fixed.

**(Dr. Ajoy Kumar Mukherjee, J.)**