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**CRR 1778 of 2026**

**Sarmistha Das & Anr.  
Vs.  
The State of West Bengal**

Mr. Rabiul Islam  
Mr. Sk. Jayed Hossain  
Mr. Masooq Rahman  
Mr. Kazi Ardan Ali  
Mr. Mayukh Saha

...for the petitioners

The petitioners herein are aggrieved with the order dated 16.3.2026 by which the court below has issued warrant of proclamation and warrant of attachment simultaneously without receiving any non-execution report and without being satisfied that there are reasonable grounds to believe that they are absconding. He further submits that without assigning any circumstances mentioned in Sub-section (1) of Section 85 of the BNSS, simultaneous issuance order of warrant of proclamation and warrant of attachment is not permissible and therefore, the impugned order dated 16.3.2026 and the subsequent orders, which pertains to simultaneous issuance of both warrants are liable to be set aside.

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

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

Let the matter appear on 25<sup>th</sup> June, 2026 under the heading **“To Be Mentioned”**.

Learned counsel for the petitioners also prays for interim relief.

Having heard leaned counsel for the petitioners and that the petitioners have made out an arguable case, which requires adjudication on merit, let the impugned order dated 16.3.2026 and subsequent orders, which pertains to simultaneous issuance of warrant of proclamation and warrant of attachment shall remain stayed till 30<sup>th</sup> June, 2026 or until further order, whichever is earlier.

However, this order will not prevent the court below to deal with the accused persons in terms of his earlier order dated 11.12.2023 by which the court below has issued warrant of arrest against the present petitioners.

Urgent Photostat certified of this order, duly applied for, be given to the parties upon compliance of all requisite formalities.

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