

07.05.2026
Sl. No.61
Ct. No.237
S.A.

CRR 1895 of 2026

Md. Aliulla Hoque @ Aliulla Hoque
- vs -
The State of West Bengal & Anr.

Mr. Sekhar Kumar Basu Id. sr. adv.
Mr. Antarikhya Basu
Mr. Sayan Mukherjee
Ms. Mayurakshi Saha

...for the petitioner

It does not appear from the order sheets of the present case that there was any recording by the Learned Magistrate to the effect that the warrant issued against the petitioner could not be executed. Prima facie, it appears that the warrant in the present case was issued on 27 January 2026. Thereafter, no observation appears to have been recorded by the Learned Magistrate regarding the execution of the said warrant.

In such circumstances, the Learned Magistrate ought not to have issued the proclamation order without first being satisfied as to the non-execution of the warrant.

In view of the aforesaid, there shall be a stay of operation of the order dated 11 February 2026 passed by the Learned Additional Chief Judicial Magistrate, Jangipur, Murshidabad, in connection with Farakka Police Station Case No. 479/2025 dated 15 December 2025 under Sections 103(1), 61(2), and 3(5) of the Bharatiya Nyaya Sanhita, 2023 (corresponding to G.R. No. 5467/2025), for a period of three weeks from the date of this order.

Let a copy of the application be served upon the opposite parties, intimating them that the matter shall be taken up for hearing after ten days under the heading "New Motion."

The petitioner shall file an affidavit of service on the next date of hearing.

(Kausik Chanda, J.)