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**IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri
Criminal Revisional Jurisdiction**

CRR 496 of 2024

In the matter of : Mithun Mia @ Miya & Anr.

..... petitioners.

Mr. Arnab Saha,
Mr. Rajan Roy,
Shoiab Akhter

... for the petitioners

The petitioners have assailed the order passed by the learned Additional Chief Judicial Magistrate, Mathabhanga, Cooch Behar on 26th April, 2022 in Special Case no. 08 of 2022 whereby the learned Magistrate has directed issuance of “Permanent Non-Bailable Warrant of Arrest” against the petitioners and other accused persons of the case.

It appears from the record that during investigation of the case the investigating officer prayed for issuance of warrant of arrest against the accused persons including the petitioners and the warrant of arrest was accordingly issued on 24th January, 2022 fixing 18th April, 2022 for execution return. However, prayer was made by the investigating officer for issuance of warrant of arrest of proclamation and such prayer was allowed by an order passed on 8th February,

2022 without waiting for the execution return of the warrant of arrest scheduled on 18th April, 2022. By the order impugned learned Magistrate has directed issuance of “Permanent Non-Bailable Warrant of Arrest”, the term being alien to law.

The matter needs to be heard in presence of the opposite parties.

The petitioners are directed to serve copy of the application along with annexure thereto upon the opposite parties and file affidavit of service on the adjourned date.

The order impugned dated 26th April, 2022 passed by the learned Additional Chief Judicial Magistrate, Mathabhanga, Cooch Behar in Special Case no. 08 of 2022 be stayed till 31st January, 2025 or until further orders, whichever is earlier.

The matter be placed before the next available Circuit Bench.

(Suvra Ghosh, J.)