

Sessions Case No. 51/ 2017 (Reg. No. 44 / 2017)
CNR No. WBBB05-0000226-2017

Order No. 71
Dtd. 17.04.2026

Today is fixed for appearance of some accused persons and for ER of WA in respect of accd. Samrat Sk and Septu Sk.

The Ld. Panel PP is present and files hazira.

Eight accused persons namely, Kabirul Islam, Ali Hossain @ Nirmal, Najibul Sk @ Sister, Rentu Sk @ Tota Sk., Saheb Mallick, Selimuddin @ Salik Sk., Safikul Sk @ Foring and Chanchal Sk on Court bail are present and file hazira.

No ER of WA in respect of accd. Samrat Sk and Septu Sk is received.

The attention of the Court has been drawn towards the fact that on 06.03.2026, when this Court was on leave on duty, the warrant officer of Nalhati PS had submitted separate applications for issuance of proclamation and attachment in terms of Sec. 84 / 85 of the BNSS, upon accused Septu Sk and Samrat Sk.

It is axiomatic that warrant of proclamation and warrant of attachment can be simultaneously issued, only if there is eminent possibility of the accused person trying to dispose of his properties. Pertinently, there is no such threat perception in respect of the present absconding accused persons. Accordingly, the prayer for issuance for proclamation as well as the attachment against accd. Septu Sk and Samrat Sk. are rejected. Further, *Sessions Case No. 51 / 2017 arose from Nalhati PS Case No. 279 / 2013 dtd. 16.11.2013 under Sec. 399 / 402 of the IPC, read with Ss. 25 / 27 / 35 of the Arms Act.* Consequently, if indeed the Warrant officer had to file any application for proclamation and attachment, the same had to be in terms of Sec. 82 / 83 of the Cr. PC and not under the provisions of the BNSS.

Having said that, it is absolutely atrocious that trial has not commenced in respect of police case that was registered more than thirteen years ago, that too, on the basis of a suo motu complaint by the police. This Court has previously observed that there is growing pattern developing in several police stations regarding non-apprehension of accused persons particularly in respect of suo motu complaints, and if I may say so, a lack of urgency to apprehend such accused persons.

Be that as it may, this Court has shown enough patience and opines that the trial has to commence, even if it is by dispensing with the appearance of the absconding accused persons.

As such, issue Warrant of Proclamation in terms of Sec. 82 of the Cr. PC against accd. Septu Sk and Samrat Sk.

Fix 08.06.2026 for ER of Warrant of proclamation against accd. Septu Sk and Samrat Sk..

To-date (08.06.2026) for appearance of rest accused persons.

(Dictated & corrected by me)

Addl. Sessions Judge
Rampurhat, Birbhum
J.O Code - WB00885

Addl. Sessions Judge
Rampurhat, Birbhum
J.O Code - WB00885