

Special Case No. 22/ 2018 (POCSO) (CIS 22-2018)
CNR NO.WBBB05-000391-2018
(Murarai P.S. Case No. 239/2018 dt. 18.06.2018.

Order No. 81.
18-09-2025

Today is fixed for appearance of the accused persons and for evidence of CSW No. 18, S.I. Pritam Roy.

Sole Sahaban Mondal on Court bail is present and files hazira.

Ld. Special P.P. is present and files hazira.

No witness is present.

An intimation is received from O/C Nanoor P.S. that the witness (S.I. Pritam Roy) is badly engaged in law and order duty.

The instant case arose from Murarai P.S. Case No. 239/2018 dt. 18.06.2018 u/s 4 of the POCSO Act. The evidence of all witnesses except the CSW No. 18 concluded on 05.01.2023. Thereafter summons were sent to S.I. Pritam Roy on numerous occasions even when was posted at Md. Bazar P.S. intimations were sent by the Officer in charge of the concerned P.S. citing law and order duty on multiple occasions. The situation has not changed at all, even after his transfer to Nanoor P.S.

The law is apposite that once a charge sheet is filed u/s 173(2) of the Cr.P.C., the role of the I.O. formally concludes with respect to investigation. However, his responsibilities continues in the trial stage, to assist the prosecution and ensure the presence of the material witnesses. Section 231 of the Cr.P.C. casts a duty upon the prosecution to produce its witnesses. It is needless to mention herein that practically, such duty is discharged through the I.O., who coordinates with the witnesses, ensures that they are served with the summons and escorts them to Court; either personally or through any other competent officer. It is settled law that the I.O. is bound to assist the Court and the prosecution witnesses; no less, appearing before the Court, on the date fixed for his own evidence. The Hon'ble Courts have repeatedly held that the laxity of the I.O. in producing witnesses may itself amount to dereliction of duty. The I.O. is himself the most important prosecution witness. It is he who speaks about the registration of the FIR, collection and seizure of evidence, arrest and interrogation of the accused and the overall fairness of the investigation. Sub section (2) of Section 231 of the Cr.P.C. puts an obligation upon the I.O. to appear before the Court as per the schedule fixed by the Court. The Hon'ble Court in Shalindra Kumar vs. State of Bihar (2002) 1 SCC 655 mandates that the deposition of the I.O. is essential, since his non examination can prejudice the right of an accused to fair trial.

This is in fact not the first occasion, in which S.I. Pritam Roy has been

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found to be absent on the date of his own deposition. In fact in Sessions Case No. 45 of 2021, custody trial of the accused took place until the Hon'ble Court was pleased to grant bail to the accused persons, since the evidence of the I.O. could not be recorded expeditiously. It is worthwhile to mention herein that in the aforementioned case, the date was originally fixed for evidence of the I.O. on 24.08.2023. While it must be said that a lot of the blame should be attributed to the concerned P.S. for failing to produce the alamat on all dates fixed for evidence of I.O. it is a testament of the way certain police officers have thought that they can take the Court for a ride, that the evidence of S.I. Pritam Roy has still not been concluded in that case.

At a time when the Hon'ble Courts have insisted that all cases pending for five years or more should be disposed of immediately, the police officers repeatedly seeking adjournments, has become a bane for the Court.

I invite the attention of the Superintendent of Birbhum to take proactive measure and issue appropriate directions upon the police stations under his control, so that the witnesses do not even contemplate sending a flimsy intimation of 'law and order duty'.

Let a copy of this order be sent to the Superintendent of Police, Birbhum for information and necessary action.

Let a copy of this order also be sent to the S.D.P.O. Rampurhat and the O/C Nanoor P.S.

Fix **15-11-2025** for appearance of the accused.

To-date for evidence of I.O. S.I. Pritam Roy.

(Dictated & corrected by me)

Sd/- S.Roy Chowdhury
Judge, Special Court (POCSO)
Rampurhat, Birbhum
J.O Code No. WB00885

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