

**Special (POCSO) Case No. 22 of 2018 (CIS NO.22/2018)**  
**CNR NO.WBBB05-000391/2018**

**Order No. 83**  
**14-01-2026**

Today is fixed for evidence of the I.O. and appearance of the accused person.

Sole accused person namely Sahaban Mondal on court bail is present and files hazira.

The Ld. Defence Counsel as well as Ld. Special P.P. are present and files hazira.

Received an intimation from O/C Nanoor P.S. that witness (S.I. Pritam Roy is engaged in law and duty at Jaydev Kenduli Mela due to which he could not appear before the Court.

As a matter of fact that this is not the first occasion that S.I. Pritam Roy presently posted at Nanoor P.S. has evaded the receipt of summons. It would probably not in correct to say that the O/C Nanoor P.S. has been abettor in the concerned witness routinely and deliberately not appearing before this Court, despite receipt of summons.

The instant case arose from Murarai P.S. Case No. 239/2018 dt. 18.6.18 u/s 4 of the POCSO Act. The evidence of all witnesses except the CSW No. 18 ( the I.O. of this case, CSW No. 18 S.I. Police Pritam Roy). Summons were sent to numerous occasion and eventually when the Ld. Defence Counsel invited the attention of the Court that the case was pending for inordinately long period of time, the PW was closed. On 27.9.24 and the record was fixed for examination of the accused person u/s 313 Cr.P.C. Mean while there was a change of guard of the prosecution and the earlier Ld. Special P.P. was replaced. The new regime of Ld. Special P.Ps. Appointed for POCSO cases filed an application on 19.08.25, praying for recall of the PW and insisted that the evidence of the I.O. was extremely vital. Pursuant thereto, the prayer u/s 311 Cr.P.,C. filed on behalf of the prosecution was allowed on such date and summons were sent to the CSW No. 18 to testify before the Court on 18.09.2025.

S.I. Pritam Roy received summons from Court and an intimation was received from O/C Nanoor P.S. that the witness is engaged in law and order duty. The situation was identical on the next date (15-11-2025) and on this day (14.01.2026), as well, despite the fact that the order sheet dt.18.09.25 was sent to the Superintendent of Police, Birbhum, wherein this Court had expressed its dissatisfaction at the way certain police officers, that too under the supervision and control of the S.P. Birbhum have been habitually evading deposing before this Court on the ground of 'law and order duty'. Unfortunately, no initiative appears to have been taken on the part of the S.P. Birbhum to ensure that such police officer who has served as Investigating Officer refrained from doing so.

I find it relevant to mention herein that the **Hon'ble Calcutta High Court in Anil Sardar vs. State of West Bengal & Anr., in CRM (DB)/2716/2023** had observed that : *"The police officers concerned appeared to have flagrantly ignored the mandate of (settled) law.....We are of the prima facie view that the police officers have derelicted in the discharge of their official duties.....Accordingly, we direct the Commissioner of Police, Bidhan Nagar Police Commissionarate to suspend the police officers and initiate disciplinary proceeding them....."*

This Court is itself not oblivious of the coercive process contemplated in the Cr.P.C. and Contempt of Courts Act, 1971 or the Police Act

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of 1861. This Court is also fortified by the judgment of the **Hon'ble Apex Court** in **Shiv Kumar vs. Hukum Chand, 1999 (7) SCC 467**, wherein the Hon'ble Court has been pleased to observe in no uncertain term that the I.O. of this case is not above the authority of the Court.

An I.O., who evades deposition in multiple occasions, exposes himself to arrest penal prosecution, contempt action and even departmental punishment. This Court is not a mute spectator and is empowered; indeed duty bound, to act firmly. In fact, the Hon'ble Calcutta High Court in Anil Sardar (Supra) has laid down that even the supervising officers may be pulled up for non-compliance.

This Court has had its patience tested enough and opines that the least it should do at this point of time, is initiate a coercive measure to compel the attendance of the witness concerned.

In such premises, issueailable witness warrant of arrest against the CSW No. 18, Sub Inspector of Police, Pritam Roy, presently posted at Nanoor P.S., for a bond of Rs. 2,000/-. The O/C Nanoor P.S. is directed to execute theailable warrant of arrest issued against S.I. Pritam Roy and secure his attendance before this Court, positively on the date fixed i.e. legal consequences will follow.

Let a copy of this order along withailable witness warrant of arrest be sent to the O.C Nanoor P.S. for strict compliance.

Let a copy of this order also be sent to the S.D.P.O. Rampurhat and Superintendent of Police, Birbhum for information and necessary action.

Fix **06-03-2026** for E/R of B/W/W/A against S.I. of Police Pritam Roy.

To date for evidence of CSW No. 18.

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

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