

Order No.25
02-09-2024

Today is fixed for personal appearance and explanation by the I.O, regarding non submission of final report in terms of Section 173 of the Cr.P.C, despite specific direction given to him, to do so.

The Ld. Special PP is present and files hazira.

The sole accused on C/B namely Lakhiram Hansda @ College is also present and files hazira.

The I.O files final report in terms of Section 173 of the Cr.P.C, being CS no. 529/2022 dated 17.10.2022 U/S 363 of the IPC read with section 4 of the POCSO Act, which bears his dated signature.

The said charge sheet has been forwarded by the I/C Rampurhat P.S, Inspector Debashis Chakraborty. However, the date below said signature of the I/C Rampurhat is conspicuous by its absence.

The I.O also submits a hand written explanation, in terms of the direction passed by this Court vide Order no. 22 dated 28.06.2024.

Perused the same as well as the other materials on record.

Heard Ld. Special P.P.

It is manifest from the explanation submitted by the I.O that he had submitted the complete case docket, comprising of 117 pages along with the charge sheet at Rampurhat P.S., for submission of the same before the Court. It is the further contention of the I.O. that the complete case docket along with charge sheet was inadvertently submitted before the Ld. Public Prosecutor, apparently by the P.S, but he was completely unaware of such fact. He has further stated in his report that subsequently, he was transferred to Dubrajpur P.S and came to know about this situation when the order dated 21.05.2024 was sent to him. The I.O has gone on to say that it was a mistake on his part, which took place due to lack of information, for which he has tendered unconditional apology before the Court.

The explanation furnished by the I.O was submitted belatedly and at a time, when the Ld. Special P.P. as well as Ld. Advocate for the defence were both unavailable. Be that as it may, the I.O has in his report, unequivocally disclosed that he had submitted the case docket, along with the charge sheet at the P.S and the same was erroneously submitted before the Ld. Special P.P, instead of the Office of this Court, by the concerned personnel of the Rampurhat P.S.

Two very important things emerge at this time, from the explanation furnished by the I.O. First of all, the I.O has admitted that he did not submit the charge sheet before this Court and also held Rampurhat P.S responsible for handing over the case docket as well as the charge sheet to the Ld. Special P.P. Now, if the charge sheet has submitted before the Ld. Special P.P, how the I.O be able to furnish the same before the Court today, remains unanswered. The second very important aspect that also screams for attention is the fact that the I.O did not care to personally submit the C.S before this Court. As stated above, the I/C Rampurhat did not put his dated signature in the charge sheet while forwarding the same before this Court. Subsequently, this Court opines that the issue is far deeper than meets the eye and this Court wants to make it clear once and for all, that the existing practice of the I.O's not taking responsibility for submission of charge sheet before this Court, should be done away with.

I also find it worthwhile to mention herein, that it manifests from the explanation submitted by the I.O that the case docket along with charge sheet was handed over to the Ld. Special P.P by Rampurhat P.S.

In such premises, the Ld. Special P.P. is requested to apprise the Court in writing, his version of the incident, regarding custody of the charge sheet, if any, in connection with this case, on the next date.

Futher, the I/C Rampurhat is also directed to furnish an explanation regarding the contention of the I.O in respect of non submission of charge sheet before the Court, as well his own version of the matter.

I deem it fit to bring the matter within the knowledge of the Nodal Officer, being the SDPO, Rampurhat, who is responsible for monitoring of all cases within the jurisdiction of Rampurhat Sub-Division, to take corrective measures in order to ensure this fiasco is not repeated and to apprise the police stations within his control, legalities involved in the submission of final report before the court and the responsibility of the I.O's in this regard.

Let a copy of this order be sent to the SDPO, Rampurhat and the I/C Rampurhat P.S for taking necessary action and inform Ld. Special P.P about this matter as well.

Cognizance is not taken at this stage.

Fix 05.10.2024 for appearance of the accused person and reports of all concerned.

(Dictated & Corrected by me)

Additional Sessions Judge,
Rampurhat, Birbhum
J.O Code no. WB00885.

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