

**IN THE COURT OF PARTAP SINGH THAKUR, ADDITIONAL
SESSIONS JUDGE, FAST TRACK SPECIAL COURT (POCSO),
SHIMLA, H.P.**

State of H.P. Vs. Banti Sharma

16.03.2023.

Present: Mrs. Sangeeta Justa Misra, Ld. Special Public
Prosecutor for the State.

Neither accused nor his Ld. counsel present.

The N.B.W. having been issued for securing the presence of the accused has been received back unexecuted with the report by one HHC **Leela Ram, No. 1449, P.S., Chopal, District Shimla**, reporting that the accused was not found at his house, hence, N.B.W. could not be executed. To my mind, the serving official having been deputed for execution of N.B.W. treated the N.B.W. in his hand as a summons and did not make any effort to execute the same as per the spirit of provisions of Section **77** of the **Cr.P.C.** which provides that warrants may be executed in any place within India. This apart, **HHC Leela Ram, No.1449** has not complied with the direction of the **Hon'ble Supreme Court** in the matter of ***Raghuvansh Dewan Chand Bhasin Vs. State of Maharashtra, 2011 Law Suit (SC) 945AIR 2011 SC 3393***, as he has not got his report endorsed by a Police Official superior in rank to him at the Police Station, **Chopal**.

Therefore, let show cause notice be issued to HHC **Leela Ram, No. 1449, P.S., Chopal, District Shimla**, directing him to show cause that why he has not complied with the directions of the **Hon'ble Supreme Court** in ***Raghuvansh Dewan Chand***

Bhasin's case supra.

In the meanwhile, let fresh N.B.W. be issued for securing the presence of the accused for **10.04.2023** through S.H.O., P.S., **Chopal**, directing him to get the N.B.W. executed by a Police official not below rank of **A.S.I.**

(Partap Singh Thakur)
Additional Sessions Judge, Fast Track
Special Court (POCSO), Shimla, H.P.