

In the Court of Metropolitan Magistrate 4th Court, Calcutta
PRESENT: SK JAFAR ALI, (WBJS), J.O. Code No. WB/01347

GR 1712/2004
CIS No GRN 14305/2014
CNR No : WBCS02-044455-2014

Order dated 01.07.2023

Today is fixed for E/R of proclamation return in respect of accused No. 2 to 4.

No E/R is received as of now.

Ld. APP is present and she prayed for passing necessary order.

On perusal of the instant case record, it is found that the instant case involves the offence u/s 345 and 7 of IT(P) Act against six accused persons namely, Gouri Sarkar, Shibani Sardar, Shikha Das, Soumen Das, Nilima Das and Sunil Gawande and the cognizance of the instant case against the accused was taken by this court vide order dated 27.01.2006 in view of the order of the Ld. CMM, Calcutta vide order dated 19.01.2006 and the charge sheet was filed on 19.01.2006 **being Charge Sheet No. Amherst Street P.S 10/2006 dated 18.1.2006 in connection with Amherst Street P.S Case No. 241 dated 25.12.2004.** It is further found from the record that all the accused persons were firstly brought before the court of the Ld. CMM, Calcutta on 26.12.2006 under arrest and the accused No. 1, 2, 5 and 6 were granted bail on 26.12.2004 and the accused No. 3 and 4 were granted bail vide order dated 06.01.2005. It is further found that the instant case was transferred to this court after filing of charge sheet vide order dated 19.01.2006 by the Ld. CMM, Calcutta and the accused persons were issued notice to appear before this court vide order dated 27.01.2006 and the accused No. 2,3,4 and 6 were appeared on 06.09.2006 but on 04.05.2007 they were absent. This court vide order dated 10.08.2009 issued warrant against accused No. 2 to 4 and fresh notice upon accused No. 1 and 5 were issued and in respect of accused No. 6 surety was directed to produce him but no E/R in respect of the said warrant was received for the long time till 12.03.2019 but on 28.06.2019 unexecuted W/A was returned against the accused No. 3 and 4. Unexecuted warrant of arrest was returned in respect of accused No. 2 on 07.09.2019. Thereafter, this court vide order dated 27.12.2016 issued W/P/A against accused No. 3 and 4. It is further found that against accused No. 2 W/P/A was issued vide order dated 17.12.2021 but as of now no such return has been received by this court from the end of the concerned O/C.

Considering the age of the case record as well as the conduct of the P.S and the nature of the offence, this court is inclined to hold that as there is no chance of early production or appearance of the accused No. 2 to 4, the accused persons needs to be ordered to be filed for the present for the ends of justice so that the instant case may be proceeded immediatedly.

This court also found that in spite of non appearance of accused No. 6 no warrant of arrest had been issued against him and as of now no S/R in respect of notice upon accused No. 1 and 5 have been received from the concenred P.S. Accordingly, for the ends of jusitce is inclined to issue fresh notice upon accused No. 1 and 5 and fresh warrant of arrest against accused No. 6 with specific direction upon the O/C of concerned P.S to take the matter seriously as the instant case involves serious matter of immoral trafficking. O/C of the concerned P.S should act according to law to ensure the arrest of the accused No. 6 and service of notice upon accused No. 1 and 5 without fail as the matter is pending since long because of the conduct on the part of the Police of the concerned P.S.

Let the accused No. 2 to 4 be filed for the present.

Let a copy of this order be sent to O/C, Amherst Street P.S for his information and taking necessary action.

To **31.07.2023** for E/R of W/A of accused No. 6 and S/R in respect of accused No. 1 and 5.

D/C

Sd/-

Metropolitan Magistrate,
4th Court, Calcutta.

Sd/-

Metropolitan Magistrate,
4th Court, Calcutta.