

Misc ex. 09/20

Order no 24

Dated 02.8.2023

Today is fixed for ER of warrant of arrest, i.d. personal appearance of IC Kushmandi PS.

Petitioners file hazira. No ER is received but one report is received from Pradipta Das SI of police Kushmandi PS. On perusal of the report enclosed with certain documents it appears that the concerned police officer have stated and reported in respect of warrant of arrest issued against Sharab Ali @ Saharaf Ali in connection with MR Ex. No. 138/21. But the said police officer SI Pradipta Das has failed to understand his job as vide order no. 24 dtd. 5.7.23 he was directed to cause execution of the warrant of arrest upon Sharab Ali @ Saharaf Ali but in connection with execution case no. 9/20. So though the person being the warrantee namely Sharab Ali @ Saharaf Ali is same in both the cases but the process of execution is for two different cases.

In this respect I am of the view that such misunderstanding is not at all expected and shall not be excused by this court nor can it be considered as unintentional. I do not find any reason for such misunderstanding as the warrant of arrest so issued specifies the number of the execution and not to talk of the order no. 24 dtd. 5.7.23 has sufficiently directed the officer concerned to execute the warrant against Sharab Ali @ Saharaf Ali in connection with execution case no. 9/20.

So considering all I am not at all convinced and find no reason to believe that the concerned police officer has acted diligently and the mistake is unintentional. So the concerned IC Kushmandi PS is directed to personally appears before this court positively on 07.08.23 and clarify the situation so reported by the SI of police Pradipta Das in default I shall be bound to refer the matter before the S.P Dakshin Dinajpur. I intend and state that the IC Kushmandi PS shall remain present before this court on 07.08.23 personally and shall not be represented by any other officer deputed by him.

Let a copy of this order be sent to IC Kushmandi PS for necessary compliance.

Let a copy of this order be sent to SDPO, Gangrampur for his information.

D/C by me