

Special (C)66 of 2016(WBDJ010008242016)

Reg. No. 98/2016

Order No. 40 dt. 03.02.2023

Today is fixed for ER of WA.

One compliance report along with the non-executed warrant of arrest is received.

Perused the compliance report submitted by SI Moloy Kumar Roy of O.C. Siliguri P.S., SPC, duly forwarded by I.C. Siliguri P.S. wherein and where-under, the executing officer mentioned that the address of the warrantee is not fall under the jurisdiction of Siliguri P.S. and it is very difficult for him to execute the warrant of arrest.

Considered.

It appears from the record that on the basis of a written complaint lodged by Ram Chandra Routh, I.C. Siliguri P.S. started Siliguri P.S. Case No. 380/16 dt. 24.05.2016. On 04.07.2016 ASI Raju Chettri of Siliguri P.S. arrested the warrantee Mukesh Hari @ Harizon from Mansahi, P.S. Mansahi, Dist. Katihar, State -Bihar, by preparing memo of arrest. Subsequently, ASI Raju Chettri of Siliguri P.S. submitted charge-sheet against the present accused vide C.S. No. 560/16 dt. 28.07.2016 u/Ss. 363/365/376 of the I.P.C. r/w. Sec. 4 of the POCSO Act. In the present case cognizance of the offence was taken on 26.10.2016. It is the bounded duty of the Court to conclude the trial within one year from the date of taking cognizance. In the present case the accused is a long absconder and for that reason the trial of the present case is delayed. Law does not permit the executing officer for taking such a plea and for return the warrant of arrest suggesting the Court to send the same to the SHO of the concerned P.S. of the address of the warrantee.

In view of the above, the prayer made by the executing officer SI Moloy Kumar Roy of Siliguri P.S. is considered and stands rejected.

Let a fresh warrant of arrest be issued in the name of the warrantee.

I.C. Siliguri P.S. is directed to execute the warrant at the earliest.

To 19.04.2023 for ER of WA.

Let a copy of this order be sent to the I.C. Siliguri P.S. through the Superintendent of Police, Darjeeling, for information.

Dictd.& corrctd.by me,

Sd/-

Spl.Judge, Darjeeling.

JO-WB1400

Sd/-

(Raja Ray)

Special Judge,

Under POCSO Act,2012

Darjeeling.