

G.R. Case 207 of 2022
Reg. No. 39 of 2023
JO Code WB01231

Order No. 21
Dated 04/03/2025

Today is fixed for report and personal appearance of the I.O.
Accused is absent by filing petition u/s 317 Cr.P.C.

Received one report from R.O, Darjeeling forwarded to the The
R.O, Cooch Behar Dist. stating ASI/577 Rakesh Gurung to appear
before this court on 04.03.2025

Received one RT message from O/C Sitalkuchi P.S, Coochbehar
stating that ASI Rakesh Gurung is unable to attend today as he is badly
engaged in law and order duty in c/w H.S examination duty and prays
for time to appear before this court.

On perusal of the case record, it appears that since 21.10.2024
personal appearance of I.O ASI/577 Rakesh Gurung has been pend
ing. However, till now I.O has not appeared before this court despite
the fact that several reminders have been already been issued to him by
this court vide Id. Memo No. 436 dated 30.08.2024, 445 dated
21.10.2024, 544 dated 04.12.2024 and 46 dated. 06.02.2025. The said
conduct of the ASI Rakesh Gurung is taken by this court to be a deliber
ate attempt on his part to evade the Court's Order.
In the above facts and circumstances, issue WWA against ASI/577
Rakesh Gurung.

Let a copy of this order along with the WWA be sent through
The Superintendent of Police, Coochbehar for compliance.

BC-II to comply at once.

P.O is on leave.

Ld. CJM, Darjeeling is in charge.

To 07.04.2025 for ER of WWA.

D & C by me

Judicial Magistrate ,
Darjeeling

Judicial Magistrate
Darjeeling

G.R. Case 264 of 2021
Reg. No.47 of 2022

Order No. 32

Dated 12.08.2024

Today is fixed for evidence and report from the Superintendent of District Hospital, Darjeeling.

Accused Passang Sherpa son of Subhash Sherpa is present by filing hazira.

Rest of the three accused persons are absent by petition u/s 317 of Cr.P.C.

No report has been received from the Superintendent of District Hospital, Darjeeling.

On perusal of the case record, it appears that summon upon CSW8, i.e. Tonay Barman was sent vide Process I.D. no. 2278 dated 20.09.2023. Thereafter a report was received by this Court wherein it was informed that the said Doctor had been transferred from Bijanbari Rural Hospital, Darjeeling. Accordingly, this Court vide order 27 dated 17.11.2023, directed the CMOH, District Hospital, Darjeeling to send the present place of posting and address of Dr. Tonay Barman. The CMOH, District Hospital, Darjeeling forwarded a copy of letter being no. 466/1 CMOH, Darjeeling dated 19.02.2024 wherein he forwarded the order no. 27 dated 17.11.2023 of this Court to the Superintendent of District Hospital, Darjeeling. Since then, the Superintendent, District Hospital, Darjeeling has not sent any intimation to the Court though several copies of the order passed by this Court reminding him to furnish the place of posting and address of Dr. Tonay Barman have been sent to him.

In the above circumstances, the above conduct and in action on the part of the Superintendent, District Hospital, Darjeeling, cannot be ignored. Considering the post held by Superintendent, District Hospital, Darjeeling, such ignorance to the order of this Court is not expected. Such in action on the part of Superintendent, District Hospital, Darjeeling is considered by this Court to be an act of gross neglect and utter disobedience to the order of this Court.

Superintendent, District Hospital, Darjeeling, is directed to provide the details of Dr. Tonay Barman on the next date so fixed and **in default necessary order shall be passed against him.**

Hence, let a copy of this order be sent to the Superintendent, District Hospital, Darjeeling for compliance.

To **31.08.2024** for report from the Superintendent of District Hospital, Darjeeling.

BCII to comply.

D & C by me

Judicial Magistrate ,

Darjeeling

*Judicial Magistrate
Darjeeling*