

CNR No. WDBJ070001152025

JO Code : WB00935

Special POCSO Case No.4/2017

Order No. 56

Dated 17.09.2025

Today is fixed for evidence of CSW No. 16 and 17 and appearance of the accused.

The accused namely Ashit Rai is present by filing hazira.

However, no witness is present as per the endorsement of Ld. Special P.P.

Ld. Special P.P. as well as Ld. Defence counsel are also found present.

At this stage, Ld. Special P.P. drew the attention of this court with regard to part examination of P.W.6 and further submits before the court that the said witness is traceless since his part examination in the year 2024 and could not be traced out despite best efforts.

Ld. Special P.P., therefore, prays for passing necessary order.

Perused the record. It transpires the fact that the witness namely **Dr. Purushotam Sharma** was examined on 18th day of November, 2024 and summonses were sent to him at his present place of posting at Jungipur hospital on several occasions but no report has yet been received.

The report submitted by S.I. Siddharth Singh Lama of Kalimpong P.S. on the reverse side of the summons makes it crystal clear that the RT message was sent to concerned P.S. for its service but no report has yet been submitted by the concerned P.S. despite sending reminder by S.I. Sidharth Singh Lama of Kalimpong P.S.

The conduct of the I/C of the concerned police station i.e. Jungipur P.S. is not satisfactory as the same has created hindrance in prompt dispensation of justice.

Police officer, as per rule, is supposed to carry out the direction of the court and in case of inconvenience in carrying out the order of the court, a proper communication ought to have been made to the issuing court but the police officer failed to intimate the court with regard to delivery or non delivery of summons delivered to the concerned P.S. via RT message from Kalimpong P.S. The conduct of senior most police officer of the concerned police station amounts to defying the direction of the court which should be dealt with by iron fists in near future. However, one opportunity is provided to the I/C, Jungipur P.S. to carry out the direction of this court with regard to service of summons upon the witness without fail.

Hence, issue fresh summons upon the witness with a specific direction upon I/C, Jungipur P.S. to serve the same upon the witness personally and submit a report of compliance to this court positively by the date fixed failing which appropriate proceeding shall be drawn against him under

proper section of law under Bharatiya Nyaya Sanhita (BNS) for non compliance of court's directives.

Fix 14.10.2025 for appearance and further evidence of P.W.6 i.e. **Dr. Purushotam Sharma** and submission of detail report by I/C, Jungipur P.S.

Let a copy of this order along with summons issued in the name of **Dr. Purushotam Sharma** be sent to I/C, Jungipur P.S. for information and strict compliance.

D&C by me

Sd/-

Judge, Special Court (POCSO)

Kalimpong

Sd/-

Judge, Special Court (POCSO)

Kalimpong