

M.Ex. Case No.260 of 2022

Order dated 23.08.2024

Today is fixed for E.R of W.A.

Petitioner is present by filing hazira.

Report of S.I Atanu Mondal of Bally P.S is received. Let it be kept with the record.

It transpires from the report that the O.P does not reside at the address mentioned in the cause title so the warrant of arrest could not be executed against him but on careful scrutiny of the record I find that warrant of arrest was issued against O.P on 29.01.2024 and since the warrant has not been executed by Bally P.S but the O.P on 07.05.2024 filed a put up petition to recall the W.A on the ground stated therein but on that day the warrant was not recall as no money was paid. So, it makes the position very clear that S.I Atanu Mondal of Bally P.S has filed the report today without taking any step to secure the arrest of the O.P. The conduct of S.I Atanu Mondal of Bally P.S shows that he is intentionally not arresting the O.P for the reasons best known to himself.

Hence, S.I Atanu Mondal of Bally P.S is directed to appear personally before this Court to file show cause as to why proceeding u/s 264 of BNSS shall be initiated against him for willfully not arresting the O.P.

I.C Bally P.S is also directed to take necessary steps so that the warrant of arrest pending against O.P can be executed in default proceeding u/s 264 of BNSS shall be initiated not against him.

Let a copy of this order be sent to Commissioner of Police, Howrah for information and necessary action.

Let a copy of this order be sent to I/C of Bally P.S for necessary action and compliance.

Fix 27-09-2024 for personal appearance of S.I Atanu Mondal of Bally P.S.

D/C

J. M. 4th Court
Howrah (In-charge)

Later-

Ld. Advocate for the petitioner filed a petition praying for supplying a free copy of this order.

Heard. Considered.

Prayer is allowed.

Let a copy of this order be supplied to the petitioner free of cost.

D/C

J. M. 4th Court
Howrah (In-charge)