

MACC 62 of 2022

Order dated 03.06.2025

Today is fixed for evidence of PW.

Both the petitioner and OP No. 2 filed legal appearance.

Ld counsel for the petitioner and OP No. 2 are present.

The petitioner by filing application submits that summons has been served upon the witness through registered post. But the witness is reluctant to appear before this court. Thus, witness warrant may be issued against the witness under order 16 rule 10 CPC.

Order 16 rule 10 CPC lays down that if the court find reason to belief that any person without lawful excuse failed to attend court in compliance of summons issued to him or intentionally avoided service then proclamation to give evidence along with warrant for arrest of such person may be issued.

In this case, the petitioner has submitted certificate dated 03.06.2025 by the serving officer of Postal Service, Sub Post Master, Alipurduar Court PO that service of summons has been effected.

Thus, issue proclamation along with warrant against the witness.

Fixing 16.07.2025 for evidence and ER of proclamation and witness warrant.

Petitioner to file requisite.

Addl. Dist. & Sessions Judge, F.T.C. -1,
Alipurduar.
J.O. Code W.B. 01009