

**In the Court of the Additional District & Sessions Judge, 2nd Court,
Bongaon, Dist.- North 24 Parganas**

Present

Shri Pradip Kumar Adhikary, WBJS,
J O Code (UID No.) - WB916,
Additional District & Sessions Judge,
2nd Court,
Bongaon, Dist.- North 24 Parganas.

**CNR No.- WBNP 0600 0639 2019
SC No.- 100 of 2019
ST No.- 01 (02) of 2020
arising out of
Gaighata PS Case No.- 1070 dated 09/02/2014
Charge framed under sections 376/379/506 of the Indian Penal Code, 1860**

**State
v.
Begu Mondal**

Order No.- 25
28/01/2025

Today is fixed for execution report of warrant of arrest issued against the accused in default appearance of the Officer-in-Charge, Gaighata PS in person with explanation.

The Officer-in-Charge, Gaighata PS has forwarded a non-execution report of warrant of arrest issued against the accused but he has neither appeared in person nor filed any written explanation.

The Ld. PP-in-Charge Shri Shyamal Kumar Biswas who is present by filing hazira has prayed for passing necessary order since the Officer-in-Charge, Gaighata PS neither appeared nor executed the warrant of arrest on the plea that the accused is absconding since long.

It appears from the record that on 30/08/2022 warrant of arrest was issued against the accused and the same was sent to the Officer-in-Charge, Gaighata PS for causing execution.

On the next date i.e. on 10/11/2022 the Officer-in-Charge, Gaighata PS submitted a non-execution report praying for another date for execution for the same since the accused was absconding from his house to evade police arrest.

But thereafter, on 09/03/2023, 09/08/2023 and 08/12/2023 he did not send any report to that effect.

However, on 17/04/2024 again the Officer-in-Charge, Gaighata PS submitted a non-execution report in the same fashion praying for another date for execution for the same since the accused was absconding from his house to evade police arrest.

On the next date i.e. on 14/08/2024 the Officer-in-Charge, Gaighata PS neither returned the original warrant of arrest nor filed any execution or non-execution report nor made any correspondence either explaining non-compliance of order of the Court or praying for time. Accordingly, he was directed to execute the warrant by the next date positively in default he was directed to appear in person with written explanation to that effect.

On the next date i.e. on 17/09/2024 the Officer-in-Charge, Gaighata PS neither appeared in person nor could execute the warrant of arrest.

Again on the next date i.e. on 19/11/2024 he neither appeared in person nor could execute the said warrant of arrest. Rather he submitted a non-execution report in the praying for another date for execution for the same since the accused was absconding from his house to evade police arrest.

Today also the Officer-in-Charge, Gaighata PS neither appeared in person nor could execute the warrant of arrest. Rather in the same fashion he submitted a non-execution report in the praying for another date for execution for the same since the accused is absconding from his house to evade police arrest.

The instant case was initiated in the year 2014. This is long pending case. Due to non-execution of the WA the case could not be proceeded towards its logical conclusion.

The concerned Officer-in-Charge neither could execute the warrant of arrest since the date of its execution on 30/08/2022 nor submitted any list of property movable or immovable belonging to the accused although he is absconding since more than 02 years and 04 months in terms of the Police Regulations of Bengal, 1943.

By not executing the WA the concerned the Officer-in-Charge is causing obstruction in the speedy trial of the case which is an integral and essential part of the fundamental right to life and liberty of a person implicit in Article 21 as well as by not complying the appropriate provisions of the Police Regulations of Bengal, 1943 he derelicted his duty.

Hence, the Superintendent of Police, Bongaon PD is directed to investigate whether there was any avoidable delay or wilfull default or gross negligence on the part of the Officer-in-Charge, Gaighata PS and take necessary action as he deems fit and proper and the Court shall be informed of the action so taken by him.

The SDPO, Bongaon is directed to execute the warrant of arrest issued against the accused.

The Bench Clerk is directed to re-issue the warrant of arrest and send the same to the SDPO, Bongaon for causing execution.

To 28/02/2025 for execution of warrant of arrest issued against the accused by the SDPO, Bongaon and compliance report by the Superintendent of Police, Bongaon PD.

Let a copy of this order be sent to Superintendent of Police, Bongaon PD, SDPO, Bongaon for compliance.

The Bench Clerk is directed to do the needful at once.

Typed by me

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