

**In the Court of the Additional District & Sessions Judge,  
Fast Track Court – I,  
Basirhat, Dist.- North 24 Parganas**

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Present

Shri Pradip Kumar Adhikary, WBJS,  
J O Code (UID No.) - WB916,  
Additional District & Sessions Judge,  
Fast Track Court – I,  
Basirhat, Dist.- North 24 Parganas.

**CNR No.- WBNP 1000 0061 2021**  
**SC No.- 03 of 2021**  
**(Registration Number)**  
**ST No.- 05 (03) of 2021**

State

v.

**Biswajit Halder @ Saheb**

Order No.- 32  
27/02/2023

The sole (01) accused on Court bail is present by filing hazira.

The Ld. PP-in-Charge [Shri Abhijit Biswas](#) is present by filing hazira.

No witness is turned up.

However, the Ld. PP-in-Charge has filed return of service of summons issued upon SI Ganesh Halder, IO of this case.

It appears from the record that on 24/01/2023 summons to the CSW No.- 17, SI Ganesh Halder, IO of this case vide Process No.- P-311 dated 24/01/2023 was sent to the [Officer-in-Charge](#), Hingalganj PS for [service](#) since case was registered at Hingalganj PS.

A copy of order was sent to the Investigating Officer through the Officer-in-Charge, Hingalganj PS directing him to remain present during trial and also keep the witness present in Court.

The Officer-in-Charge, Hingalganj PS duly forwarded the summons as well as the copy of order to the RO, Basirhat for causing due service upon the Investigating Officer.

But the concerned RO, Basirhat has neither sent the report causing [service](#) of the said process within the time fixed by the Court nor returned the same to the Court with a short note for delay before the date fixed so that it can be re-issued with a new date. In no case, the police should retain a process without service or execution beyond the date fixed without informing the Court of the reason of the non-service or non-execution of the process concerned.

In many other cases also this RO, Basirhat committed same kind of wilful default in the matter of service of process.

He is also in a habit to disobey the order of the Court.

On 05/01/2023 in SC No.- 138 of 2016 no service report of the summons issued upon the witnesses through RO, Basirhat was received from the concerned RO, Basirhat.

On 13/12/2022 in another case vide SC No.- 215 of 2016 also the RO abused the process of the Court in the same manner.

On 27/01/2022 in SC No.- 215 of 2016 in spite of specific order the concerned RO, Basirhat neither appeared in person nor submitted any explanation nor filed any kind of correspondence explaining non-compliance of Court's order.

Here in this case it is crystal clear that the concerned RO abused the process of the Court and also willfully defaulted his duty in the matter of service of summons and thereby, caused obstruction in service of process issued by the Court promptly and expeditiously prompting unnecessary adjournments of the case.

In the above circumstances the Superintendent of Police, Basirhat is directed **to look into the matter seriously and take appropriate action against the concerned erring RO, Basirhat for such abuse of process of the Court as well as wilful default in the matter of service of process issued by the Court and inform the Court of the action so taken by him.**

According to the Calcutta High Court Criminal (Subordinate Courts) Rules, 1985 *the Superintendent of Police or the Commissioner of Police shall make necessary arrangements so that processes sent to the Police for service or execution are served or executed with utmost expedition and may for this purpose order the constitution of a special process serving cell in each police station.*

The Superintendent of Police, Basirhat is also directed to look into the matter and take necessary action accordingly.

Since no witness is present, the case is adjourned for the ends of justice.

The prosecution is directed to expedite the trial.

To 01/04/2023 for further evidence and compliance report by the Superintendent of Police, Basirhat.

The accused is directed to remain present on the next date.

The prosecution is directed to issue process for compelling the attendance of the witnesses and / or the production of document or thing, if any and to inform the Investigating Officer.

[Let another copy of this order be sent to the Superintendent of Police, Basirhat for compliance.](#)

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

Typed by me

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