

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

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 0107 2011
SC No.- 128 of 2014
(Registration Number)
arising out of
Minakhan PS Case No.- 84 of 2006 dated 29/06/2006
Charge-sheet filed under sections 399/402 of the Indian Penal Code, 1860 and section
25/27 of the Arms Act**

State

v.

Abdul Hakim Gazi, Sufiyan Sekh and Kutub Molla

Order No.- 62
01/07/2023

Today is fixed for appearance of the accused Abdul Hakim Gazi and execution report of the warrant of arrest issued against the accused Kutub Molla.

On 08/08/2022 the case against the accused Sifuyan Sekh was filed for ever as he died on 19/03/2022.

The accused Abdul Hakim Gazi on Court bail is present by filing hazira.

The Officer-in-Charge, Minakhan PS neither returned the original warrant of arrest issued against the accused Kutub Molla nor filed any execution or non-execution report nor made any correspondence explaining his above conduct.

It appears from the record that on 07/07/2015 warrant of arrest were issued against the accused Kutub Molla. Since the warrant of arrest was not executed since long on 13/01/2020 the Officer-in-Charge, Minakhan PS and the SDPO, Minakhan were directed to take appropriate steps. But those Officers neither took any appropriate steps nor executed the warrant of arrest.

The case record further reveals that in compliance with the order dated 13/05/2022, on 18/05/2022 fresh warrant of arrest was issued against the accused Kutub Molla vide Process No.- P-55 dated 18/5/2022 and the same was duly sent to the Officer-in-Charge, Minakhan PS for execution. But till today the said warrant of arrest has not been executed.

Today the Officer-in-Charge, Minakhan PS neither sent the report causing execution 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.

The Officer-in-Charge of the concerned PS has violated the mandates of the Calcutta High Court Criminal (Subordinate Courts) Rules, 1985.

In the above circumstances the Officer-in-Charge, Minakhan PS is directed to appear in person before the Court and to submit an explanation to that effect.

He is also directed to cause execute of the said process by the next date positively in default hand over the warrant of arrest to the SDPO, Minakhan for execution.

To 29/07/2023 for appearance of the accused Abdul Hakim Gazi, execution of warrant of arrest issued against the accused Kutub Molla and personal appearance of the Officer-in-Charge, Minakhan PS with written explanation.

Let a copy of this order be sent to the [Officer-in-Charge](#) of the concerned PS for compliance.

[Let another copy of this order be sent to the Superintendent of Police, Basirhat for information and necessary action of his part.](#)

Typed by me

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