

**S.T. 55(12)2012**  
**In the Court of the Ld. Addl. Sessions Judge, FTC 3<sup>rd</sup> Court, Basirhat.**

Present:-  
Sri Sanjay Naskar(**WB01025**)  
Addl. Sessions Judge, F.T.C. 3<sup>rd</sup> Court, Basirhat.

**Order no.111 dt. 03.06.2024**

Accused Abdulla Mondal is absent by petition. The accused Raju Mondal is absent without steps. The sureties are directed to produce the above named two accused on the date fixed positively. In view of order no.108 dated, 21.03.2024, the I.C. Basirhat P.S. has submitted a report. On perusal of the said report it appears that the I.C. Basirhat P.S. had deputed one Biswajit Sanpui, S.I. of police to execute the warrant against the accused Md. Rafik s/o Md. Kalamuddin of village Sirsasira, P.S. Baikunthapur, District-Gopalganj, Bihar and to comply the order no. 108 dated, 21.03.2024 and the order no.109 dated, 16.04.2024. But the S.I. Biswajit Sanpui of Basirhat P.S. perhaps could not understand the meaning of the order no.108 dated, 21.03.2024 and order no.109 dated, 16.04.2024 and the said report is contradictory with the said two orders of this court. Even before forwarding the said report of S.I. Biswajit Sanpui to this court, the I.C. Basirhat P.S. did not check this said report. Even without having endorsement of I.C. Basirhat, the S.I. Biswajit Sanpui had submitted the said report. S.I. Biswajit Sanpui could not follow the procedure to submit a report before the court. So, the I.C. Basirhat P.S. is directed to appear personally as to why he could not take proper steps in view of order no. 108 dated, 21.03.2024 and order no. 109 dated, 16.04.2024 and as to why his officer S.I. Biswajit Sanpui submitted a report without his endorsement and as to why they shall not be prosecuted for non-compliance of court's order.

This is a case u/s 376/302/201/34 of IPC and for non execution of the warrant against the accused Md. Rafik, the case could not be proceeded with and only on the ground that the accused has been residing beyond the jurisdiction of the State, the police is showing lackadaisical attitude and the police failed to comply this provision of section 79 of Cr.P.C. and the procedure laid down the

chapter VI of Cr.P.C. For such lackadaisical attitude of the police officer of Basirhat P.S. this court is inclined to send the copy of the warrant along with copy of FIR and charge sheet to the District Superintendent of Police of District Gopalganj, Bihar in view of section 78 of Cr.P.C. The District Superintendent of police, District Gopalganj, Bihar is directed to execute warrant against the accused Md. Rafik s/o Md. Kalamuddin of village Sirsasira, P.S. Baikunthapur, District- Gopalganj, Bihar in view of section 78 of Cr.P.C. and provision of chapter VI of Cr.P.C. and to submit a report before this court as early as possible.

Nazir of this court is directed to send the warrant along with copy of FIR and charge sheet by post to the District Superintendent of police, Gopalganj, Bihar for necessary compliance.

Let the copy of this order be sent to the I.C. Basirhat P.S. for information and necessary action.

To 03.07.2024 for report.

Dictated & Corrected by me.

Addl. Session Judge,  
Fast Track 3rd Court, Basirhat.

**Sanjay Naskar.**  
**J.O.Code WB01025**  
Addl. Session Judge,  
Fast Track 3<sup>rd</sup> Court, Basirhat.