

**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 1014 2016
SC No.- 138 of 2016
(Registration Number)
ST No.- 08 (01) of 2017
arising out of
Minakhan PS Case No.- 11 of 2014 dated 07/01/2014

**Charge framed under sections 272/273 of the Indian Penal Code, 1860 and 46AA of the
Bengal Excise Act**

State
v.
Paritosh Mondal

Order No.-45
05/01/2023

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

Today is fixed for further evidence on behalf of the prosecution.

The Ld. PP-in-Charge [Shri Prabir Kumar Kundu](#) is present by filing hazira but without any witness.

No service report of the summons issued upon the witnesses through RO, Basirhat is received from the concerned RO, Basirhat.

It appears from the record that on 15/11/2022 summons to the CSW No.- 02, 03 and 06 vide process nos.- 521 to 523 was sent to the RO, Basirhat through the [Officer-in-Charge](#), Minakhan PS for [service](#). But he 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.

It is very alarming that the concerned RO, Basirhat is in a habit not to send report causing service of summons as found in many cases.

In the above circumstances the RO, Basirhat is directed to appear personally before the Court and to submit an explanation to that effect.

The RO, Basirhat is also directed to cause [service](#) of the said process by the next date positively.

The Ld. PP-in-Charge of the case has further highlighted that the seized alamats have not been produced by the Officer-in-Charge, Minakhan PS in spite of requisition.

It appears that on 15/11/2022 requisition was duly sent to the Officer-in-Charge, Minakhan PS for production of seized alamants vide process no.- 520 dated 15/11/2022. In spite of that the concerned Officer-in-Charge, Minakhan PS neither produced the seized alamats nor submitted any kind of correspondence either explaining non-compliance of the order of the Court or praying for another date.

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

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

It appears from the record that last witness i.e. P.W.- 07 was examined on 02/05/2022 and since then no witness has been examined till date.

The prosecution is directed to expedite the trial.

To 28/03/2023 for evidence of CSW Nos.- 02 and 06 and appearance of the RO, Basirhat and the Officer-in-Charge, Minakan PS with written explanation.

To 29/03/2023 for evidence of CSW No.- 06 (IO) in terms of section 231, Cr.P.C.

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

In compliance with the mandates of the Hon'ble Apex Court the Investigating Officer is directed to remain present during trial.

The Investigating Officer is also directed to keep the witnesses present in Court.

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 a copy of this order be sent to RO, Basirhat, Officer-in-Charge, Minakhan PS and Investigating Officer through the Officer-in-Charge, Minakhan PS.

The Officer-in-Charge of the concerned PS is directed to inform the concerned Investigating Officer and direct him to remain present during trial without any excuse.

Let another copy of this order be sent to the Superintendent of Police, Basirhat PS for information and taking necessary action.

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

Typed by me

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