

SC 631/2024

Present: SUTIRTHA BANERJEE[J.O. Code WB-00980]

Additional District & Sessions Judge , Basirhat

North 24 Pgnos

Order no. 11 dated 9/7/2025

Today is fixed for production, appearance and E/R of W/A with respect to accused Prasant Hasmukhbhai Bhojvya.

Accused Rajibul Khan present by filing hazira.

Accused Parimal Halder, Dasarath Roy and Md Hilal Gazi produced from judicial custody by audio video linkage.

Ld. Public Prosecutor in charge files hazira.

One N.E.R. received from O.C. Swarupnagar P.S. praying for further time to execute W/A against accused Prasant Hasmukhbhai Bhojvya.

I have perused the N.E.R. and the record. It appears W/A was issued on 2/9/2024. Other accused being in custody, trial cannot begin.

Ld. Public Prosecutor in charge submits that W.P.&A be issued against accused and he be filed for present and trial proceeded with.

I am not inclined to resort to process of proclamation and attachment as nothing has come before this Court to suggest that stage is ripe for issuance of such processes moreso when no since attempt has been made for execution of W/A issued.

Perusal of the record suggests that on earlier occasions similar reports have been received with respect to non execution of the warrant and present report is virtual copy paste of previous reports with minor modifications thrown in.

It is mentioned in the report that on 17/5/2025 a message was sent to jurisdictional P.S. of accused by O.C. Swarupnagar P.S. but report is silent as to follow up of the same despite passage of almost two months from said date. Perusal of the charge-sheet suggests that AADHAR card and ATM card of accused were seized and Court fails to find any plausible reason as to what prevents the police to track his mobile number linked to such AADHAR card/ATM card/Bank. O.C. Swarupnagar P.S. cannot wash his hands off the matter by just sending an email to jurisdictional P.S. and the report of non execution and explanation furnished is hence not accepted. Just because police are involved in investigation of sensational cases does not mean that they will be absolved from doing their primary job of apprehending offenders.

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O.C. Swarupnagar P.S. is hence directed to execute the W/A issued against the accused positively by 12/8/2025 and he is to follow up the matter and implement this order in letter and spirit.

It is clarified that mere email follow up will not be taken as substantial compliance of this order.

No bail petition being moved/filed for accused in custody, they are remanded to judicial custody till 12/8/2025.

Fix 12/8/2025 for appearance, production and E/R of W/A.

In case W/A cannot be executed, O.C., Swarupnagar P.S. shall personally appear on next date fixed and explain what prevented the execution of W/A.

Let a copy of this order be sent to O.C. Swarupnagar P.S. for his information and necessary action at once.

Dictated and corrected by me :

Additional Sessions Judge
Basirhat, North 24 Pdns

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