

S.C. No. 18/19
CNR No.WBPU05-000082-2019
J.O. Code WB00807

Date- 12.09.25

Today is fixed for consideration of the Execution Report of Warrant of Proclamation and Attachment in this case.

A report has been received from the Officer-in-Charge, Santaldih Police Station, wherein it has been categorically mentioned that the accused is not residing at the address furnished in the record. It is further stated that the proclamation issued by this Court was duly served and published by affixing the same in the locality in the presence of local inhabitants, in terms of the legal requirement.

On perusal of the case record, it is observed that this Sessions Case pertains to the year **2019**, and that the trial has remained at a standstill ever since the framing of charge on **14.06.2019**, owing to the continuous abscondence of the sole accused, namely *Mrityunjoy Mahato*. Despite issuance of process, including warrant of arrest and proclamation, the accused has successfully evaded the due process of law.

In these circumstances, this Court finds that no other efficacious alternative remains available at this stage save and except to file the case against the absconding accused until his apprehension or surrender. At the same time, this Court cannot remain oblivious to the statutory mandate enshrined under Section 299 of the Code of Criminal Procedure, 1973, which provides that in cases where it is proved that the accused has absconded and there exists no immediate prospect of his arrest, the Court may record the evidence of prosecution witnesses in his absence. Such evidence, once duly recorded, shall carry evidentiary value and may be read against the accused at the time of his appearance, either by arrest or voluntary surrender.

This statutory provision ensures that the course of justice is not completely thwarted by the willful absence of the accused and that valuable evidence, which may otherwise be lost with the passage of time, is preserved for the ultimate decision of the case. The legislative intent is thus to balance the rights of the accused with the paramount interest of justice, so that the criminal process does not become a casualty at the hands of deliberate default or prolonged abscondence.

Accordingly, the case record is directed to be placed for recording of prosecution evidence in exercise of powers under Section 299 Cr.P.C.

Fix **10.03.2026** for prosecution evidence.

The learned Additional Public Prosecutor is directed to take necessary steps for issuance of witness summons well in advance so that the witnesses may be secured for examination on the next date without fail.

Dictated & corrected,

ASJ

Additional Sessions Judge
Raghunathpur, Purulia