

Sessions (Special) Case No. 37/16

CNR No. WBPU05-000162-2017

J.O. Code WB00807

Dated 11.09.25

Today is fixed for ER of W.A in respect of accused Bhaku Bouri.

No ER of W.A is received.

Ld. Spl. P.P stated that concerned PS did not execute the warrant of arrest or neither sub any report though the W.A was issued on 14.02.25 and he prays for passing necessary order.

None appears on behalf of the accused.

Perused the case record .

It is seen that on 13.02.25 the order of issuance of W.A was passed against the accused person namely Bhaku Bouri and on 14.02.25 the same was issued. But till then no compliance report is received by this court from Santaldih PS.

It is a POCSO case u/s 6 of POCSO Act for the year 2016. The case was instituted in the year 2016 and 9 years have been passed but the trial is continued due to the unsatisfactory conduct of the accused.

The case falls within the jurisdiction of Santaldih Police Station being **Santaldih PS Case No. 24/2016 dated 13.07.16 u/s 4/5 of POCSO Act** , and it was the sacrosanct statutory obligation of the warrant officer and the Officer-in-Charge to execute the warrants with utmost promptitude. Their persistent inaction, for reasons best known to them, constitutes a flagrant dereliction of duty, a patent affront to the dignity and authority of this Court, and a mockery of the rule of law.

The majesty of law cannot be reduced to a hollow formality, nor can the coercive processes of the Court be permitted to be defied with such brazen impunity. When Court-issued warrants and proclamations are treated as mere scraps of paper, it undermines the very foundation of criminal jurisprudence and emboldens the contumacious conduct of absconding accused. This state of affairs is intolerable and strikes at the heart of public confidence in the justice delivery system.

It is a well-engrained principle that *justice delayed is justice denied*. The judiciary does not function in isolation; it is an integral part of the constitutional mandate to secure justice — *social, economic, and political* — to every citizen. The continued pendency of an old case of this nature, festering without progress for almost two decades, is not merely an administrative lapse but a travesty of justice and a serious blemish upon the efficacy of the criminal justice system. Such unconscionable delay frustrates the legitimate expectations of victims, corrodes public faith in legal institutions, and erodes the deterrent effect of criminal law.

Courts are duty-bound to ensure that their solemn process is not rendered impotent by calculated non-compliance or by bureaucratic apathy. Judicial orders are not to be treated as casual suggestions but as binding mandates of law, clothed with the full authority of the State. The coercive arm of justice must remain vigilant, vibrant, and inexorable. If the accused persons believe they can evade the clutches of law merely by remaining absent and if the executive machinery tasked with enforcing judicial writs remains lethargic, the entire edifice of criminal justice risks being brought into disrepute.

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It is, therefore, incumbent upon the judiciary to take stern, exemplary, and coercive measures against such non-compliance so that the solemn mandate of justice is neither defeated by recalcitrant accused nor diminished by negligent officers. The criminal justice system must never appear weak or toothless; rather, it must demonstrate its unwavering resolve to uphold the rule of law and to deliver justice with swiftness, certainty, and majesty.

Let issue fresh W.A against accused Bhaku Bouri immediately.

Let a copy of this order be sent to OC of Santaldih PS to look into the matter and send a report within the next date positively i.d. necessary order will be passed.

To 14.11.24 for ER of W.A and report of the OC of Santaldih PS.

Sd/-

Judge, Special Court (under POCSO Act)

cum

Additional Sessions Judge

Raghunathpur, Purulia