

GR Case No- 435 of 2013

CIS No. 172 of 2016

Order Dated: 08.05.2025

Today is fixed for E/R W/P/A.

No E/R W/P/A is received in respect of accused **Sk Ajib**.

The speedy trial is the mandate of Constitution. Justice delayed is justice defeated. Now, it is pertinent to refer the provisions of section 82 of CRPC 1973 as under:

Proclamation for person absconding (Section 82(1)) - If the court has reason to believe that a person has absconded to avoid the execution of his arrest warrant, the court may publish a written proclamation requiring such person to appear before it at the specified place and time. The date and time of appearance must not be less than thirty days from the date of proclamation.

This court issued notice of proclamation on **20.03.2025**. This court has sufficient reason to believe that the accused **Sk Ajib** have absconded to avoid the execution of warrant of arrest to delay the trial. The accused is intentionally trying to procrastinate the trial to frustrate the criminal justice system. In this case notice of proclamation has been duly published in terms of Section- 82 (2) of Cr.P.C.

This court is of the view that this case has been pending for trial and disposal for long time and thus this court is of the view that this is fit case for passing order declaring the absconding person/persons accused **Sk Ajib** as **proclaimed person U/s- 82(4) of Cr.P.C.**

Hence, the case is filed for present against **proclaimed persons** namely, accused **Sk Ajib**.

D/C by me

JM1

Judicial Magistrate 1st Court
Raghunathpur, Purulia

Gr Case :435 of 2013

(CIS No. 172 of 2016)

[J.O. Code : WB01449]

Order dated: 08.05.2025

As stipulated by the previous order today is fixed for E/R of W.A. No report has been received by this court from the police station concern so as to illumine the fact that the warrant has been executed or not. The learned APP in Charge prayed for necessary order so that the warrant is executed without delay.

On introspection of the case record it has transpired that warrant of arrest as regards the accused person namely Sk Rahul s/o Sk Ajmir @ Ajmal @ Kalo of Vill-Beltala Sukbazar, PS Ilambazar, Dist-Birbhum was sent from this court on 05.04.2021, 06.09.2021, 16.07.2022, 13.05.2024, 10.03.2025 and 02.05.2025 and the track report goes to show that it has been duly served to the concerned police station, but till date no report has been submitted by the P.S concern. The I/C Ilambazar police station, is required to be appraised of the fact that as per mandate of law it also fall within the domain of his duties to execute the warrants sent by the court and thereby assist the process of trial. Moreover as per the provision of Rule 65 of the Cr.R.O. it is the duty of the I/C concern to furnish a report if he cannot execute the warrant before the date fixed.

Till date this court has not received any communication from the authority concerned. I have toiled hard but have failed to find any rational explanation as to what might have hindered the authority concern from executing the warrant of arrest. This lackadaisical approach to a warrant of this court has actively contributed to the delay of further proceeding of this case and has denied the victim from getting her legitimate claim. If this basilica is faced with this feigned ignorance on the part of the authority concern in that event the pitiabile situation of the litigant public is quite obvious. Considering the factual facet I am left with no option but to raise questions about the gumption of the authority concern, and I have no quandary in harbouring to the conclusion that this kind of laggardness on the part of the I/C Ilambazar must not be patronized. It is not irrational to expect at least a report from the concern P.S on the execution of warrant. It is quite unfortunate that this court has to engage itself in reminding the police officer concern about his duties and that he should have sent a report even if he is not able to execute the warrant.

Hence I/C Ilambazar is directed to do the needful so that warrant issued by this court is executed and any laggardness in this regard will be dealt with heavy hands and necessary action will be taken.

SDPO, Bolpur, Birbhum is requested to look into the matter and make gusto efforts to ensure that his subordinates become more respectful and zealous in executing the orders of this institution of delivering justice.

Let a copy of this order be sent to Superintendent of Police, Birbhum and I/C Ilambazar police station, for his information and taking necessary action and submit report before the date fixed.

Let a copy of this order be sent to the Hon'ble Bivas Pattanayk, High Court of Calcutta (Zonal Judge of Purulia District) for his necessary information and assistance in this regard.

Let a copy of this order be sent to the Ld District and Session Judge, Purulia to place the matter in the upcoming Senior Officials Meetings.

BC-II is directed to issue W.A against accused SK Rahul.

Fix 10.07.2025 for E/R of W.A.

Bashar Nawaz

Judicial Magistrate 1st Court

Raghunathpur, Purulia