

07-12-2022
Court No.2
Ah/2.

**CALCUTTA HIGH COURT
CIRCUIT BENCH AT
JALPAIGURI**

W.P.A. 2124 of 2022

Smt. Sarmistha Dutta

Vs.

State of West Bengal & Ors.

Mr. Subir Kumar Saha,
Mr. Momenur Rahaman.

For the State respondent.

Mr. Ajoy Debnath,
Mrs. Mamata Ghosh

..For the Respondent no.4.

None appears on behalf of the petitioner.

In compliance with the earlier order dated 29-11-2022, the report filed by the Superintendent of Police, Cooch Behar, is taken on record.

The Officer-in-charge, Kotwali Police Station, Cooch Behar, and the Investigating Officer are also present before the Court.

The learned advocate for the respondent no.4 appears. He submits that steps have been taken before the Principal Bench against the order of issuance of warrant of arrest passed by the learned Chief Judicial Magistrate, Cooch Behar. The petition was filed when the Circuit Bench at Jalpaiguri was not functioning.

The Police Authorities pray for some time for taking appropriate steps. This Court does not express any opinion on the merit of the criminal revisional

application bearing CRR No.270 of 2022, which has been filed by the respondent no.4.

The report filed by the Superintendent of Police, Cooch Behar, indicates that the respondent no.4 has been absconding and several raids have been conducted. The mobile location of the respondent no.4 have also been tracked but the sim card and the phones have been frequently changed. Hence, the Police Authority has not been able to execute the warrant of arrest issued by the learned C.J.M., Cooch Behar. The report also indicates that the Investigating Officer served notice for execution of the said warrant of arrest, but the respondent no.4 was not found at his residence. The respondent no.4 was absconding since long and as such, the I.O. prayed before the CJM, Cooch Behar for issuance of warrant of arrest and the said prayer was allowed. Subsequently, further prayer was made for proclamation and attachment of the property of the respondent no.4 and the said prayer was also allowed. The Court does not find that the Police Authorities had intentionally failed to discharge their duties.

The Police report shall be kept in a sealed cover with the file.

The personal appearance of the Police Officers are dispensed with until further order.

Let the matter be placed before the next available Circuit Bench.

(Shampa Sarkar, J.)

