

12 04.07.2023
NB Ct. 14

WPA 12757 of 2023

Sanjib Bakshi
Vs.
The State of West Bengal & Ors.

Ms. Pampa Dey (Dhabal).
...for the petitioner.

Mr. Wasim Ahmed,
Md. Shahabuddin.
....for the State.

This is an application under Article 226 of the Constitution of India alleging police inaction in respect of Chetla Police Station Case No.129 dated 20.08.2019 under Sections 406, 420 and 120B of the Penal Code.

Affidavit of service filed on behalf of the petitioner is taken on record.

Despite service, no one appears on behalf of the private respondent although the State is represented.

A report filed by the State in Court is taken on record.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner filed an application under Section 156(3) of the Code alleging criminal breach of trust against the private respondent. Accordingly, an FIR was registered. Subsequently, a charge sheet was submitted. The application for anticipatory bail of the accused was rejected by this Court. In spite of these, the police were unable to apprehend the private respondent. The proceeding cannot come to an end because of absconding of the accused.

Learned counsel representing the State relies on the report and submits as follows. Two raids were conducted to

apprehend the accused. Warrants of arrest were issued against the accused.

I have heard the submissions of the learned counsels appearing on behalf of the parties and have perused the writ petition and the report filed by the State.

It does not appear that the State respondents have prayed for issuance of proclamation and attachment against the absconding accused even though the accused had been untraceable since 2019.

It is indeed very surprising that the accused could not be apprehended by the police although they were at their residence to receive a copy of the writ petition and notice sent by the petitioner.

The respondent police authorities are directed to take appropriate steps of their own as well as before the learned Magistrate so that the proceeding comes to a logical conclusion.

With these observations, the writ petition is disposed of.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)