

D/L 32
10.07.2025
Bpg.
ct.no.35

W.P.A.11578 of 2025

**Sanwar Saha
Versus
The State of West Bengal & Ors.**

Mr. Soumen Kr. Datta
Mr. Subham Dutta
Ms. Juthika Barman.
...for the petitioner.

Mr. Sirsanya Bandopadhyay
Mr. Debopriyo Karan.
...for the State-respondents.

Affidavit-of-service filed by the petitioner be
kept with the record.

Petitioner is aggrieved by the fact that Egra
P.S. Case No.751 of 2024 dated 17.11.2024 was
registered for investigation under Sections
103(1)/126(2)/127(2)93(5) of BNS of 2023. The
grievance of the petitioner is that the investigating
agency since November, 2024 did not put any efforts
and, as such, some of the accused persons were
granted default bail. Learned advocate submits that
very recently charge-sheet has been submitted but
nine accused persons are still absconding. According
to the petitioner, these nine persons are available in
the area but there is purposeful lack of efforts on
behalf of the police authorities for apprehending

them, as such, they are enjoying their liberty although they have been implicated in a murder case.

Learned advocate for the State has submitted a report. Report reflects that charge-sheet has been submitted before the jurisdictional court and prayer for warrant of arrest has been advanced which was granted by the learned Magistrate. It has further been brought to the notice of this Court that the next date is fixed before the learned Magistrate for execution return in respect of the warrant of arrest on or about 11th August, 2025. The police authorities are directed to submit their report in respect of execution of the warrant of arrest on 11th August, 2025 or the next date so fixed by the learned Magistrate. In case they are unable to apprehend the accused persons within the said time limit, learned Magistrate would after receipt of the report from the police authorities proceed to the next steps for proclamation. Adhering to the procedural aspect and the time limit so prescribed, learned Magistrate would ensure that no time is wasted and, if required, after the statutory period and statutory compliances made under the relevant provisions of law declare the accused persons as proclaimed offenders. After the process of attachment is over, the trial be segregated and the commitment of the instant case be made to the

jurisdictional sessions court. It is directed that the trial courts in these murder cases and cases of such heinous nature will not hesitate to proceed by following the process of trial in absentia.

The Superintendent of Police, East Midnapore is directed to monitor the further progress of the case so far as the execution of the processes are concerned and/or the time limit so prescribed so that the authorized officer in any manner or the other do not further delay the progress.

With the aforesaid observations, WPA 11578 of 2025 is disposed of.

There will be no order as to costs.

Report submitted by the learned advocate appearing for the State be kept with the record.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

Urgent photostat certified copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Tirthankar Ghosh, J.)