

D/L 16
06.08.2025
Bpg.
ct.no.35

W.P.A.16993 of 2025

**Ashok Sarkar & Anr.
Versus
The State of West Bengal & Ors.**

Mr. Sudip Sarkar
Ms. Senha Maity
Mr. Bithun Sarkar.
...for the petitioners.

Mr. Sambuddha Dutta
Mr. Sajal Kr. Pandit.
...for the State-respondents.

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

Petitioners are aggrieved by the fact that the trial in connection with Basirhat P.S. Case No.823 of 2024 cannot be progressed and/or the case be committed although the police authorities have submitted charge-sheet as according to the petitioners, the warrant of arrest which has been issued is not being effectively attempted to be executed for which there has been unnecessary delay in a murder case.

Having considered that one of the accused person is absconding, learned Magistrate in seisin of the case would on the basis of the report of the executing officer take a decision whether to initiate the process of proclamation on the next date so fixed.

Learned Magistrate would by adhering to the provisions of law complete the issue relating to proclamation, proceed to the stage of attachment thereafter and then take steps so that without wasting further time the case is committed to the court of sessions. It is directed that in case the learned sessions court being the trial court is of the opinion that the absconding accused has been successful in evading and the police authorities are unable to trace him, in that case by following the provisions of Section 356 of the BNSS proceed with the trial of the case in absentia of the proclaimed offender.

Additionally, it is directed that the Superintendent of Police, Basirhat Police District would monitor the execution process of the present case considering the heinousness of the offence. If required, the specialized powers of the Missing Persons Bureau, CID, West Bengal may be resorted to by the concerned police authorities to trace out the absconding accused.

With the aforesaid observations, WPA 16993 of 2025 is disposed of.

There will be no order as to costs.

Report so submitted be kept with the record.

A copy of the report be handed over to the learned advocate appearing for the petitioners.

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.)