

PRESENT : Md. D. Ullah, C.J.M., Jorhat.

14.03.2013.

*Accused persons Ravi Jaiswal, Pankaj Jain and Siddhartha Jain are present. Witness Smti. Belli Bhumij is also present, who is examined as P.W.1 and discharged.*

*Perusal of the record reveals that there is another accused person, namely Monoj Duggar, who was shown as absconder in the charge sheet submitted by the investigating agency. Perusal of the record further reveals that on the basis of the report of the P & A, the then learned Chief Judicial Magistrate, Jorhat, vide order dated 06.01.2011 declared accused Monoj Duggar as absconder and the case against him was filed for the time being and with a view to restoring the case to file as and when the said accused is produced before the Court under the standing warrant of arrest.*

*It is needless to mention that as per provisions of Police Manual, the standing warrant is to be kept in the appropriate file of the police station and the officer-in-charge, Jorhat police station, is required to monitor the attempts of executing such pending warrant at a periodic interval and to submit reports. The materials on record further reveals that the investigating agency during last more than two years had never intimated this Court as to whether they had attempted to execute the pending warrant of arrest against the absconder accused Monoj Duggar. On verbal query to the co-accused persons appearing before this Court, it is learnt that the father of the said accused person, namely Milap Chandra Duggar is the grand father of accused Pankaj Jain and Siddhartha Jain.*

*On verbal query by this Court, they have stated that Milap Chandra Duggar, the father of accused Monoj Duggar, died about four years back and at the time of his death, he was having some properties. Situated thus, a thorough investigation will probably be able to find out as to whether accused Monoj Duggar is having any property at Jorhat to be attached as per earlier order of this Court.*

*It is pertinent to mention here that on earlier occasion, the police stated that accused Monoj Duggar is having no property of his own and as such, the attachment warrant was returned unexecuted.*

*In view of the above position, Officer-in-charge of Jorhat police station is directed to submit a detail report in respect of the fate of the pending warrant of arrest against accused Monoj Duggar, son of Late Milap Chandra Duggar of S.N. Buragohain Road, P.S. Jorhat, and also to submit report in respect of existence of any moveable or immovable property of accused Monoj Duggar in the aforesaid locality or in any other locality as may be revealed through investigation.*

*Fixing 18.04.2013 for evidence as well as report from the Officer-in-charge, Jorhat police station.*

*Chief Judicial Magistrate,  
Jorhat.*