

Sessions Case No. 32(BGN)/15

19.8.2017

contd.

Immediately later on,

Case Record is put up before me, as per submissions of Bench Assistant that Executing Officer has filed attendance.

Accused is absent.

Executing Officer, Chitradhar Neog is present.

The statement of the Executing Officer / CW 1 is recorded on oath.

Executing Officer has stated on oath that upon receipt of proclamation (P in short hereinafter) against accused Babur Ali, son of Samad Ali @ Saya Ali, he had gone to the place of residence of the accused Babur Ali but failed to find him despite search, whereupon he affixed a copy of the same on a "Bannayan" tree at Goraimari Bazar, i.e. at the locality of the accused in presence of witnesses and affixed the other copy of the same in the

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Order

19.8.17

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Barpeta Police Station's notice board. CW 1 identified the proclamation as Ext X.

Executing Officer / CW 1 exhibited the proclamation report as Ext X(1) and his signature thereon as Ext X(2).

CW 1 also stated that he failed to find any movable and immovable property in the name of the accused for which he failed to execute the warrant of attachment being (A in short hereinafter) Ext Y. CW 1 identified his report on the warrant of attachment as Ext Y (1) and his signature thereon as Ext Y(2).

CW 1 also identified separate report in respect of the P & A against the accused Babur Ali as Ext Z. CW 1 stated that the warrant against the accused have been kept in the pending file of the Police Station for future attempt. CW 1 exhibited his signature on Ext Z as Ext Z (1).

From perusal of the statement of the Executing Officer /CW 1 and the exhibits viz Ext X, Ext Y and Ext Z, it is seen that the Executing Officer had proved the due publication of the proclamation, as per law and had also proved that the warrant of attachment could not be executed as no property could be found in the name of the accused. The report of P & A is found satisfactory and is accepted.

Accused **Babur Ali**, son of **Samad Ali**, resident of village- Goraimari under Barpeta Police Station is proclaimed absconder and case against him is filed until further orders.

The warrant against the accused is kept in force for future execution.

Bench Assistant to put up the case record on appearance/ arrest of the accused.

Case is filed accordingly.

As dictated.



Asst. Sessions Judge,
Bongaigaon