

J.O WB00629

Present : Molla Asgar Ali,

Addl. Dist & Sess. Judge,

F.T.C 2nd Court, Paschim Medinipur.

S.C 50(08)/2023

(Reg No. 646/2023)

CNR WBWM01-008368-2023

Order No. 06, dt. 21.05.2024

Out of four accused persons on court bail, three accused persons namely, 1. Rajib Haldar, 2. Rabi Haldar and 3. Sriti Haldar are present by filing hazira and on call and rest one accused namely, 4. Dipankar Mondal is absent by filing a petition and prayed for time on the ground stated therein.

Heard. Considered and prayer is allowed.

Today is fixed for appearance and consideration of charge.

Ld. counsel of both sides are present.

Ld. Counsel for the defence submits that the charge sheet against the accused persons has been submitted u/s 307 along with other sections of the IPC but there is no prima facie material of the offence u/s 307 of IPC against any of the accused persons. Ld. Counsel for the prosecution concedes to the said submission of defence side.

Having regard to the submission of Ld. Counsels of both sides, the CD is perused.

It appears to me that charge sheet has been submitted u/s 341/324/307/354/506/34 of IPC against the accused persons. Perusing the CD it appears to me that Ld. Counsel of both sides have rightly submitted. I also find no prima facie material of the offence punishable u/s 307 of IPC against any of the accused persons and barring Section 307 of the IPC the instant case is triable by the Ld. Magistrate.

Under this circumstances I am inclined to remit the case to the Ld. Magistrate for trial / disposal.

Let the case be remitted to the Ld. Chief Judicial Magistrate, Paschim Medinipur for trial / disposal by the Ld. CJM, Paschim Medinipur himself or he is at liberty to transfer the same to any other Ld. Magistrate Court for trial within his jurisdiction after framing charge in proper section.

To **27.06.2024** for appearance before the Ld. Chief Judicial Magistrate, Paschim Medinipur.

C.D be returned.

D/C by me.

Additional Sessions Judge,

F.T.C. 2nd Court, Paschim Medinipur.

