

Sessions Case No. 94 of 2022 (CIS NO.94of 2022
CNR NO.WBBB05-000959-2022

Order No.32
10-05-2024

Today is fixed for further evidence on behalf of the prosecution and production of the accused person.

Sole accused Sohel Mardi is not physically produced Suri District Correctional Home. No intimation has even been received from the concerned Correctional Home, regarding non production of the accused person. Only the custody warrant has been sent, apparently under the impression that the same would go unnoticed by the Court.

It is indeed unfortunate that the Correctional Home Authorities have chosen to transfer an UTP to another correctional Home without intimation to the trial court and thereafter merely send custody warrant of such accused person, without causing his physical production. Such practice is strongly deprecated by the Court and will not be tolerated in future.

No witness is present. The Ld. Counsel for prosecution is present. Ld. Counsel for the prosecution submits before the court that he intends to adduce the evidence of four more witnesses, being the CSW Nos. 15,19,20 and 27, after which trial would conclude. It was brought to the knowledge of prosecution that summons have been issued upon the CSW No. 15 (Dr. Saddakas) since 05-07-2023 and in fact summons upon the CSW No.15 has been returned after due service, on this day.

It is indeed unfortunate that a medical officer has chosen to ignore summons sent to him on repeated occasions, by the Court in respect of a case under section 302 of IPC. I also find it worthwhile to mention herein that summons upon CSW Nos. 19, 21 and 27 have also been issued on two occasions previously, but they did not turn up before the Court. The CSW No. 27, in particular happens to be the I.O of this case S.I Indranil Sarkar then posted at Mallarpur P.S.

Accordingly, the prosecution is to take fresh steps for issuance of summons upon CSW Nos. 15, 19, 21 and 27 in the next schedule fixed for evidence on behalf of the prosecution.

The next date in the schedule for evidence is on 13-05-2024. However, the same is a Holiday and as such the schedule for evidence on 13-05-2024 is cancelled and a fresh schedule be fixed for evidence on behalf of the prosecution.

Fix 06-06-2024 for evidence of CSW Nos. 15 and 19

07-06-2024 for evidence of CSW Nos. 21 and 27

The Superintendent, Suri District Correctional Home is directed to positively cause physical production of the accused person on the dates fixed.

Let a copy of this order be sent to the Superintendent, Suri District Correctional Home and Controller, Rampurhat Sub-Divisional Correctional Home for compliance.

The accused person is remanded to J.C till 06-06-2024.

(Dictated & Corrected by me)

Additional Sessions Judge,
Rampurhat, Birbhum
J.O Code no. WB00885.

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