

Sessions Case no. 98 of 1993 (cis-45/2015)
(JO Code WB00702)

Order No. 113 dated 28/01/2025

Today is fixed for appearance and consideration of charge.

The sole accused person namely Ashis Kumar Sadhu on court bail is present by filing his hazira.

Ld. Special P.P. is present. Ld. Advocate for the accused person is also present.

Ld. Advocate for the accused person submitted before this court that this is a long pending case since 1993 and the prosecution case cannot be proceeded despite long pendency of the instant case and accordingly, prayed for passing necessary order.

On the other hand, Ld. Special P.P. submitted that the prosecution has/had no laches on its part. He forcefully submitted that the accused persons themselves moved before the Hon'ble High Court, Calcutta by filing a revisional application and the said revisional application is pending before the Hon'ble High Court, Calcutta and finally the Hon'ble High Court, Calcutta was pleased to dismiss the criminal revision on 28/01/2019 in connection with CRR no. 722 of 1995. Thereafter, this court received the order of the Hon'ble High Court, Calcutta in the year 2023 and accordingly, prayed for passing necessary order.

In view of the above circumstances and considering the long pendency of this case and also keeping in mind the direction of the Hon'ble High Court, Calcutta vide Action Plan Phase-III (January, to June 2025), I am of the considered opinion that the instant case is required to be fixed for its early disposal .

Be it mentioned here that inadvertently the instant case has been fixed for consideration of charge. But it reveals from the record that charge has also been framed against the accused persons vide order no. 16 dt. 22/11/1994 u/s 27 of Drugs & Cosmetic Act, 1940. Hence, there is no requirement for further framing of charge against the accused persons. Accordingly, the instant case be fixed for evidence of PWs.

Be it mentioned here that the other accused person namely Mangalmayee Sadhu died on 29/05/2015 and this court filed the instant case for ever against the said accused namely Mangalmayee Sadhu Vide order no110 dt. 04/03/2024.

Now the following dates are fixed for evidence of PWs

03/03/2025 for evidence of CSW nos.1 & 2

04/03/2025 for evidence of CSW nos.3 & 4

05/03/2025 for evidence of CSW nos. 5 & 6

Issue summons accordingly.

Prosecution is directed to take appropriate steps in view of the Action Plan as ordered by the Hon'ble High Court, Calcutta to ensure the presence of the witnesses positively on the dates of trial. No further adjournment will be given on the grounds whatsoever.

Inform Ld. Special P.P. and Ld. Advocate for the accused person at once.

D/C by me

sd/-

Addl. Sessions Judge
1st Court, Burdwan.

sd/-

Addl. Sessions Judge
1st Court, Burdwan