

**In the Court of the Additional District & Sessions Judge,
4th Court,
Purba Bardhaman Sadar, Dist.- Purba Bardhaman**

Present

Shri Pradip Kumar Adhikary, WBSJ,
J O Code (UID No.) - WB916

**CNR No.- WBBD 0100 4866 2021
SC No.- 163 of 2021
ST No.- 04 of 2022
Arising out of
Jamalpur PS Case No.- 242 of 2021 dated 19/09/2021**

**Charge framed punishable under sections 302/201 of the Indian Penal Code (IPC),
1860**

State

Represented by Ld. Panel PP Shri Kamal Krishna Tah
v.

Sovan Tudu @ Khepa

Represented by Ld. Advocate Shri Sougata Dey

Order No.- 35
22/01/2026

Today is fixed for further evidence on behalf of the prosecution.

The sole (01) accused on Court is present by filing hazira.

The Ld. Panel PP-in-Charge of the case is present by filing hazira but without any witness.

The CSW No.- 5 ASI Sukanta Chakraborty has send a RT message praying for another date as he could not turn up due to engagement in law and order duty.

Heard.

The concerned Police Officer has not mentioned categorically nature of duty and place where he is engaged in law and order duty. Moreover, busy in law and order duty is not a reasonable ground to skip the Court for deposition.

However, an opportunity is hereby given to the concerned Police Officer to appear on the next date without fail in default warrant of arrest will be issued against him.

The Officer-in-Charge of the concerned PS is directed to send the police personnel(s) to the Court on the given date when he/she/they are called on. Engagement in law and order duty will not be considered as a reasonable ground and consequential order will be passed.

Summons issued upon the CSW Nos.- 02 and 06 are not returned.

It appears that in compliance with the order dated 18/11/2025 on 20/11/225 summons were issued upon the CSW Nos.- 02 and 06 also vide process nos.- 472 and 474 and the same were duly sent to the Officer-in-Charge, Jamalpur PS for causing service.

But the Officer-in-Charge of the concerned PS has not sent the report causing service of the those processes within the time fixed by the Court.

In no case, the police should retain a process without service or execution beyond the date fixed without informing the Court of the reason of the non-service or non-execution of the process concerned.

In the above circumstances the Officer-in-Charge, Jamalpur is directed to look into the matter seriously and to submit explanation to that effect.

The Officer-in-Charge of the concerned PS is also directed to cause service of the those processes by the next date positively.

To 18/05/2026 for evidence of CSW Nos.- 02, 05 & 06 and written explanation by the Officer-in-Charge, Jamalpur PS;

To 19/05/2026 for evidence of CSW Nos.- 07 to 09;

To 20/05/2026 for evidence of CSW Nos.- 10 to 12;
To 21/05/2026 for evidence of CSW Nos.- 13 to 15; and
To 01/06/2026 for evidence of rest CSWs in terms of section 231, Cr.P.C / / 254, BNSS.

The accused is directed to remain present on the next date.

In compliance with the mandates of the Hon'ble Apex Court as well as our Hon'ble Court the Investigating Officer is directed to remain present during trial.

The Investigating Officer is also directed to keep the witnesses present in Court.

The Officer-in-Charge of the concerned Police Station is directed to ensure the presence of the Investigating Officer on the date(s) fixed along with witness(es).

If due to some unavoidable circumstances it is not possible for the Investigating Officer to remain present before the Court, the Officer-in-Charge shall depute any other competent police officer who shall ensure the presence of witnesses before the Court on the date of recording of evidence.

It is the duty of the Investigating Officer to protect the witnesses and ensure their presence before the Trial Court, for taking to its logical conclusion. It will help both the victim and the accused person, to have speedy justice which pertains to their right to life as well.

The prosecution is directed to issue process for compelling the attendance of the witnesses and / or the production of the document or thing, if any and to inform the Investigating Officer.

Let a copy of this order be sent to the Officer-in-Charge of the concerned Police Station for compliance.

Let another copy of this order be sent to the Superintendent of Police, Purba Bardhaman for information and necessary action.

The Bench Clerk is directed to do the needful at once.

Typed by me

Additional District & Sessions Judge,
4th Court,
Purba Bardhaman Sadar.

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