

35C of 2004

Order dated. 08.12.2025

Today is fixed for passing of order on petition dated 18.12.2012.

The petition dated 18.12.2012 was filed by the two accused praying that the instant case was liable to be dismissed as case on the same facts has been already been disposed of.

Heard Ld. Adv for the accused on 03.09.2025. He submitted that this case is hit by S.300(1) CrPC as the accused persons were acquitted by Ld.Addl.Dist & Sessions Judge (FT) Court, Bishnupur vide judgment dated 15.07.2005 in Sessions Case No.10(2) 05/ Sessions Trial No.1 (4)05 in reference to GR Case no.141/04 arising out of Sonamukhi P.S Case No.21/04 Dated 28.05.2004.

On perusal of the record, it transpires the two accused persons had filed petition dated **20.10.2005 for discharge under S.300(1) Cr.PC** on the same grounds that they had been charged on the self-same grounds and after trial they had been acquitted by Ld.Addl.Dist & Sessions Judge (FT) Court, Bishnupur vide judgment dated 15.07.2005 in Sessions Case No.10(2) 05/ Sessions Trial No.1 (4)05.

This Court after hearing both sides **rejected the said petition vide order dated 14.07.2009 and fixed 17.11.2009 for evidence (before charge)**. On 17.11.2009 PW.1 Nishikant Dandapat was present but accused prayed for adjournment and witness was discharged without examination. PW.1 was present on 22.12.2010 and examined (b/c), on 27.06.2011 examination (b/c) was completed and cross-examination (b/c) was started and deferred. The suddenly on 18.12.2012 when PW.1 was present for deposing before this Court; the accused persons filed this petition and accordingly case was adjourned was fixed for hearing the petition dated 18.12.2012.

On 10.08.2015, both accused persons were absent without steps and warrant was issued against them. On.05.10.2015 both surrendered and were granted bail by this Court and case was fixed for hearing of the petition. On 25.10.2016, warrant of arrest was again issued against the accused persons.On.15.11.2016 both accused surrendered and were granted bail by this Court and since then case has been pending for hearing.

Therefore, it is crystal clear that these two accused persons have abused the process of law for more than a decade. After the petition 20.10.2005 was rejected by this Court vide speaking order dated 14.07.2009 and evidence (b/c) was resumed, the accused persons suppressing this fact, filed this petition on 18.12.2012 after a gap of three years of the order of rejection. Instead of going for revision against the order dated 14.07.2009, the accused persons bided their time and filed this petition on 18.12.2012. This petition is written in a barely legible Bengali and has stalled this case for thirteen long years. This is truly a travesty of justice and shows how unscrupulous accused persons can deceive the Court and

now the challenge of producing the witnesses seems unsurmountable to this Court. The conduct of the accused persons is deplorable.

Therefore, petition dated 18.12.2012 is rejected with costs. Both accused persons to pay costs of Rs.5000/- each for wasting precious judicial hours of this Court and adversely hampering the trial of this case. No petition for modification of this order of cost shall be allowed.

This cost shall be made to Sub-Divisional Legal Service Centre Bishnupur by 16.12.2025 and receipts to be submitted before this Court on 17.12.2025.

Fix **17.12.2025** for appearance evidence (b/c) and deposit of receipts issued by SDLSC Bishnupur.

Copy of order be sent to the Ld. Chairman of SDLSC Bishnupur for information.

Dict. & corrected by me

ACJM, Bishnupur

A.C.J.M., Bishnupur.
J.O Code WB01106